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UNIVERSITY DEBATERS' ANNUALS

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Vol. IX: 1922-1923. E. M. Phelps and J. E. Johnsen, ed.

Unemployment Insurance.
Soldier's Bonus.
Compulsory Arbitration of Labor Disputes in Public Utilities.
French Occupation of the Ruhr Valley.
Light Wines and Beer.
Excess Profits Tax.
League of Nations.
Organized Labor in Politics.
Restriction of Power of Federal Supreme Court to Declare Statutes Unconstitutional.

UNIVERSITY DEBATERS' ANNUAL

Constructive and Rebuttal Speeches Delivered in Debates of American Colleges and Universities during the College Year, 1922-1923

Edited by
EDITH M. PHELPS
AND
JULIA E. JOHNSEN

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Arbitration & conciliation, Industrial
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PREFACE

Nine debates, representing fifteen colleges and universities, are reported in this Annual. Six of these are reports of debates as they actually took place, while three are speeches of both teams of the same college. In one of these debates, held on the open forum plan, each college furnished both an Affirmative and a Negative speaker.

Debates were chosen with the threefold aim of (1) representing different sections of the country, (2) selecting subjects representative of the debating activities of the year, and (3) selecting questions likely to continue in interest. Each debate or set of arguments is accompanied by briefs and a selected bibliography. It is hoped the volume will prove of interest to the forensic student and prospective debater, as well as furnish the general reader with a fairly balanced study of the arguments and case for each of the public questions represented.

Material was arranged for and editorial work commenced by Miss Edith M. Phelps before her departure on a European trip. Three bibliographies and one brief were furnished with debates, as credited in introductory notes. Otherwise introductory notes, briefs, bibliographies, and the completion of the work devolved upon the co-editor. Bibliographies so prepared do not necessarily represent material actually used by the debating teams, but are designed to furnish a nucleus for the guidance of the student and prospective debater.

Grateful acknowledgement is made to all who assisted in securing material or otherwise cooperated in the preparation of this volume.

JULIA E. JOHNSON.

July 14, 1923

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CHAPTER I

UNEMPLOYMENT INSURANCE

UNIVERSITY OF CHICAGO

RESOLVED: *That the British system of unemployment insurance should be adopted by the United States.*

These were the speeches delivered by representatives of the University of Chicago in the annual intercollegiate debates of the Central Debating League composed of Northwestern University and the Universities of Chicago and Michigan. The debates were held January 19, 1923. The Affirmative team for Chicago met the Negative of Michigan at Chicago, and the team for the Negative met the representatives of Northwestern University at Evanston. The bibliography was prepared with the help of Miss Cora Gettys, Reference Librarian at the University of Chicago. Speeches and bibliography were secured for this annual volume thru the courtesy of Mr. Royal E. Montgomery, Debate Coach for the University of Chicago.

BRIEF

UNEMPLOYMENT INSURANCE

AFFIRMATIVE

INTRODUCTION:

A. A certain amount of unemployment constantly exists and is inevitable under modern industrial conditions.
   1. The demand for labor cannot be stereotyped except in stagnant industries.
   2. A reserve of free workers is required for starting new industries and extending old.

B. The immediate question is whether it is fair or wise to throw the entire burden of unemployment upon the workers and whether industrial progress ought to mean economic loss and deprivation to them.

C. The Affirmative offer the British plan of unemployment insurance not only as a possible scheme for meeting the problem, but as the best scheme.

I. The British system of unemployment insurance is the best remedy for the evils of unemployment.

A. It is a tried remedy.
   1. Has been in operation in Great Britain since 1912.
   2. It has been extended both as to benefits and to include practically all British workers.
   3. The British system provides both for increasing the mobility of labor and for benefits sufficient to prevent destitution for the unavoidably unemployed.

B. The theory of the British system is fundamentally sound.
   1. Employer, employee and the state are each required to contribute approximately equal amounts to the insurance fund.
      a. All are concerned in and affected by unemployment.
      b. No one in particular is to blame.

c. It is the best way of making all feel an interest in prevention of unemployment and successful operation of the scheme.
d. Each derives a corresponding benefit.

2. It is justifiable that the worker contribute.
   a. He is the direct and immediate beneficiary.
   b. Does not receive sufficient wages to save for emergencies.
   c. The principle of insurance protects him with a small weekly payment.
   d. Labor exchanges eliminate worst effects of seeking work.
3. It is justifiable that the state contribute.
   a. The plan secures the well-being of a great mass of the population
   b. It reduces pauperism.
4. It is justifiable that employers contribute.
   a. His employees will work more efficiently.
   b. They will maintain higher working morale.
   c. It will reduce his taxes for vice, almhouses, charities.

C. It is adaptable to the United States.
1. It can be supervised by a non-partizan commission analogous to the Interstate Commerce Commission.
2. The country can be divided for its operation into districts that are determined along economic and industrial lines.

D. Insurance is superior to any charity system.
1. Charity is decentralized, inefficient, destructive of self-respect, a last resort.
2. Under insurance the worker is not demoralized.
   a. He feels he is merely drawing benefits to which he is entitled.

II. The British system tends to reduce unemployment to the lowest possible minimum.

A. By reducing the number of unemployables.
1. The benefit would enable the worker to avoid destitution with its resulting deterioration.
2. Those found to be unemployable because of deficient training would be trained.

B. By giving the maximum employment to able men.
   1. The labor exchanges would effectively bring the man and the job together.
      a. The worker would cooperate in this because his benefits would be contingent on such cooperation.
      b. The employer would cooperate because he would find in the exchange his greatest source of supply for all classes of labor.
      c. The state would cooperate to make its exchanges more efficient because it would thereby reduce its insurance liability.

C. The triple contributions systems would place the incentive to reduce unemployment upon all parties who have the power.
   1. Employers would regularize industry to reduce their rates.
   2. The worker would be more cautious.
      a. He would realize the risk more keenly.
      b. He would be assured of receiving, at sixty, all contributions with interest over and above benefits paid to him.
   3. The government would be impelled to services, such as the education of consumers' demands in order to regulate seasonal business.

D. Certain specific provisions would make it especially worth while for the employer to reduce unemployment.
   1. The state would take over all his administrative duties in connection with contributions for himself and his workers in return for his specified cooperation with the labor exchanges.
   2. Under suitable conditions industry is permitted to maintain its own scheme with resulting benefits.

E. The benefits would tend to regularize the whole business cycle.
   1. The tendency of diminished buying power is to cause still more unemployment.

III. The application of the principles of insurance to our unemployment situation is justifiable and practical.

A. It satisfies the requisities of an insurable risk.
   1. The nature of the risk is clearly specified.
   2. Large numbers are exposed.
   3. It appeals to those on whom it is likely to fall as a menace against which they would provide.
   4. The risk is capable of being calculated with some degree of certainity.
      a. The experience with life insurance shows that accumulation of scientific data follows, rather than precedes, the origination of an insurance scheme.
      b. We have as the preliminary basis of a stable plan the experience of trade unions of several countries which pay out-of-work benefits.
      c. We also have the experience of twelve years' successful operation of the British plan.

B. It is practicable.
   1. It is the consensus of opinion of leading authorities on social insurance that certain principles must be incorporated in any practical national unemployment insurance plan. These principles are:
      a. Compulsion, to eliminate the predominance of bad personal risks.
      b. Contributions in part by the workman, to gain his cooperation and eliminate exceptionally bad risks.
      c. Low rate of benefit and employment exchanges, to avoid encouraging unemployment.
      d. Maximum limit to amount of benefit, to exclude loafers.
      e. An incentive for employer and state to reduce unemployment.
      f. Encouragement of regular employer and workman and discrimination against casual engagements.
   2. The British system of unemployment insurance contains all these principles.

IV. The United States is ready for unemployment insurance.
   A. The movement for it has been strengthened by the

success of the British scheme, and by our unemployment crises of 1914-1915, 1920-1921.

B. National, state, and local bodies, including labor, have expressed themselves in favor of it.

NEGATIVE

I. The British unemployment insurance scheme is objectionable.

A. It is unjust to place such a tax upon the worker.

1. He does not earn enough to save.
2. There is no need to tax him.
   a. Sufficient funds can be raised from other sources.
3. There is no compensatory value of taxing him.
   a. He can in no way control the amount of unemployment.
4. It is unjust to penalize him for the excessive turnover of the shiftless and lazy.
5. The benefits are distinctly service rewards, and as such ought not to be paid for.

B. The government is the instrumentabilty for effecting a number of more or less fundamental remedies of unemployment.

1. It can institute labor exchanges, distribute public works, control immigration, restrict child labor and the employment of women.
2. Under an insurance system its function is to administer it, assuming wholly the tasks and costs of administration.
   a. It alone can properly reach and coordinate all the scattered industries and workers of the country.
   b. It would result in the maximum direct pecuniary incentive to improved administration.

II. It is inadequate and inequitable.

A. British labor is unalterably opposed to it.

1. Opposition to existing measures was organized around one hundred and forty-two Labor members of Parliament who characterized prevailing unem-

ployment as largely the result of four years of mistaken policy.

B. It works toward the defeat of its own ends by exacting contributions from the class whose poverty and misery necessitates the fund.

C. It tends to defeat action toward ultimate prevention of unemployment by placing pressure on non-responsible parties.

1. Prevention can be brought about only by factors controlling industry.
   a. They will not act till it is to their advantage to do so.

D. The tax incorporates a social injustice upon the worker.

1. He can in no appreciable way remedy unemployment
   a. He has no share in the control of industry.
2. He is in no way responsible for it.
   a. The main causes of unemployment are:
      (1) Changes in industrial structure.
      (2) Fluctuations in industrial activity.
      (3) The necessary reserve of labor.
3. Labor will inevitably bear the burden of misery and in justice should not bear the additional financial contribution.

III. The British system does not prevent unemployment.

A. The employer is mainly responsible for the conditions that give rise to unemployment.

1. He alone guides the managerial policy of his business.
2. He can regularize it.
   a. He can study the causes of labor turnovers.
   b. Provide for systematic transfer of workers between departments.
   c. Employ all in part-time rather than lay off force.
   d. Regulate and distribute output as evenly as possible thoroughout the year.
   e. Cooperate with other employers.
3. Not only is little preventive work being done, but employers have sometimes deliberately caused unemployment to create high prices.

B. Under the British system the employer hasn't the incentive to reduce unemployment.
   1. No distinction is made between the employer who tries to prevent unemployment and the one who does not.
      a. Every concern pays a flat rate according to number employed, not according to turnover.
      b. Only a diminution of unemployment in the country at large may result in a smaller rate.

IV. The proper remedy would be contributions levied on a basis of plant unemployment.
   A. This would give the employer a tremendous incentive to prevent unemployment.
      1. He would be certain of a reduction in rate.
   B. It would provide an incentive to represent labor in management.
   C. This share in control will get at the heart of the industrial problem.
      1. It will give the cooperation essential to successful operation.
         a. The diffusion of knowledge among workers will remove distrust and lack of sympathy.
         b. It will regularize employment.
         c. It will regularize production and prices.

UNEMPLOYMENT INSURANCE

UNIVERSITY OF CHICAGO

Affirmative Speeches against the University of Michigan

FIRST AFFIRMATIVE

Nathan J. Harrison, Chicago

Ladies and Gentlemen: About a year ago four million wage earners were walking the streets of the United States, looking for work. Those of us who were not old enough to remember other great industrial crises and those of us who had simply yielded to that human proclivity to forget the unpleasant were abruptly brought to a realization that here was a problem which we, as a nation, could not longer avoid facing. At first, we were inclined to attribute the unemployment to a myriad of causes. Some of us said "the war"; others said "abnormality" and "readjustment"; still others said, "it is the fault of the workers themselves." A few of us even dismissed the matter temporarily with that naive formula advanced by one advocate of normalcy high in our public life: "There ought to be work for everybody and everybody ought to go to work."

But it may be well to remember that we have not the privilege of choosing between any situation where unemployment does exist and one where it does not. In the very evolution of our complex and ramified industrial structure, a certain amount of maladjustment is inevitable; only combined omniscence and benevolence such as no human being possesses could make the situation otherwise. Authorities like John Bates Clark of Columbia and Sir Arthur Beveridge of England, the latter formerly director of the Labor Exchanges, agree that under modern dynamic industrial conditions a supply of unemployed labor ever will be present. The demand for labor cannot be stereotyped save in a stagnant industry. Moreover, were there no free workers, new enterprises never could be started, nor could old industries be extended. The industrial progress upon which depends the

well-being of ourselves and of generations yet unborn requires a minimum reserve of free workers; it inevitably means the temporary displacement of some workers.

Consider, if you will, the facts concerning the inevitability of unemployment as they have been brought to our attention during the first quarter of the twentieth century. In 1900 the census returns indicated that six and one-half million people, or 25 per cent of those gainfully employed, were out of work for a period of from one to twelve months during the year. A canvass undertaken by the United States Bureau of Labor Statistics in 1915 showed an unemployment rate of 18 per cent. In 1920, according to the findings of the Department of Labor, there were four million unemployed. Unemployment not only is sporadic and disrupting; it is inevitable. And the fundamental causes are far beyond the control of the workers. Permit me to cite only a few of them—lack of knowledge by the worker of where work is to be obtained, lack of means to transfer himself rapidly from one job and locality to another, seasonal occupations, temporary displacement of workers by new machinery, over-specialization, and lack of adaptability to new work because of old age or physical or mental weakness.

The immediate question that presents itself, then, is this: Is it fair or wise to throw the entire burden of unemployment upon the workers, and ought industrial progress to mean economic loss and deprivation to them? But the problem is even more far-reaching in its ramifications. Can society—even selfishly, sordidly—afford to throw the entire burden upon the workers? Vice, pauperism, sickness, physical and moral deterioration of the worker and his family, industrial discontent and unrest expressing themselves in movements of revolt and protest that are so disconcerting to many of us complacent Americans—these are some of the social consequences of unemployment. Is society acting intelligently, is society fair to itself, in not attempting to preclude those undesirable social results to the greatest extent possible? Must we say that society is in an irreparable dilemma, that the unavoidable price of industrial progress is suffering for the worker? We of the Affirmative say "no"; and we maintain that the British plan of unemployment insurance is not only *a* possible scheme for meeting the problem, but that it is the *best* scheme.

Now we are not advocating a novel or untried panacea; we are

advocating a plan that has been in operation in Great Britain since 1912. As prima facie evidence of its success, we would call your attention to the fact that every change since its adoption has been in the direction of widening its scope of activities, both as to the number of workers benefitted and as to the amount of benefits received by the workers. In 1912 the plan covered but seven industries; today it includes practically all British workers.

The labor exchanges alone, which are part and parcel of the system, can do much in bringing the man and the job together, in increasing the mobility of labor; but they cannot eliminate that part of the unemployment that is inherent in our industrial structure. The worker who is unavoidably unemployed must receive an amount sufficient to prevent him from becoming destitute. Under the British plan he receives this benefit for a maximum period of twenty-six weeks during the year. The amount of benefits received must be so restricted as to discourage any vocational idleness or malingering and to keep down the cost of the scheme. And the limitation as to the number of weeks will strike, one should note, only those who are chronically and continually idle —a very small minority.

The theory of this British system is fundamentally sound. Employer, employee, and the state are each required to contribute approximately equal amounts to the insurance fund; for after all, the three are concerned in and affected by unemployment, and no one of them in particular is to blame. The best way of making them all feel an interest in the prevention of unemployment and in the successful operation of the scheme is to make each contribute. Moreover, each of the three derives a corresponding benefit.

It is justifiable that the worker contribute, for he is the direct and immediate beneficiary. The worker today does not, in a large majority of instances, receive sufficient wages to provide for periods of unemployment. It is not only unwise, it is criminal, for us to expect him to save from him wages for such emergencies. But by applying the principle of insurance, the principle of spreading the risk to unemployment as well as to fire, accidents, and life, the worker by paying a small sum—9d per week in Great Britain—is insured. Moreover, the disheartening and demoralizing effects of tramping the streets seeking work are eliminated by the labor exchange.

It is justifiable that the state should contribute because the

plan secures the well-being of a great mass of the population, To permit the evils of unemployment, already cited, to arise and then to treat them—to become ill and then call in a physician rather than to care for one's health—is the height of folly. And what has been the effect of the plan on pauperism in Great Britain? The number of persons applying for relief in the summer has been reduced from two hundred and eight for every ten thousand persons in 1911 to one hundred and forty-nine in 1920, and in the winter from two hundred and thirty-eight to one hundred and fifty-six. And this, mind you, during the period when the plan applied to only twenty-five hundred thousand workers.

Likewise the employer will gain by this direct and preventative method, not only because his employees, freed from the fear of destitution, from the physical effects of malnutrition, will work for him more efficiently, not only because his employees, realizing that they are no longer considered mere pieces of machinery to be scraped when no longer needed, will maintain a higher working morale, but because he, the employer, is the one who pays the taxes necessary for the prosecution of vice, for the maintenance of alms-houses, and who contributes to the private charity drives.

These are the principles of the plan we advocate for the United States. We suggest that the plan be adopted by Congress, that a non-partisan commission, rotatively appointed by the President, analogous to the Interstate Commerce Commission, be created to supervise the system, and that the country be subdivided for its operation into districts that are determined along economic and industrial rather than political lines.

We contend that the British plan is the *best* plan for meeting the problem. Insurance is infinitely superior to any charity system which is decentralized, inefficient, destructive of the self-respect of the worker and which does not reach him until his suffering has become acute. Under an insurance scheme the worker does not feel that demoralizing consciousness of being an object of charity; he feels that he is merely drawing insurance benefits to which he is entitled.

We challenge our Opponents to cite a *better* plan for remedying the conditions of unemployment,—a plan of voluntary contributions, a system in which the employer is exempted from contributing, a system whereby the worker is exempted from contributing; or what not.

The problem before the gentlemen of the Negative, therefore, is this: They must choose to abide by the status quo, to wait until unemployment has begotten its share of human misery and suffering, or on the other hand must suggest a plan that is *better* than the British plan. And we challenge the Negative to produce a plan more suitable for meeting the unemployment situation than is the British system. We await—eagerly—to see to which of these alternatives our Opponents will turn.

SECOND AFFIRMATIVE

N. Arnold Tolles, Chicago

The attitude of the gentlemen from Michigan tonight is precisely the old, unenlightened one which has prevented us from getting farther with the problem of unemployment. When the crisis is on everyone is in a panic, wondering what can be done to relieve the suffering and revive business, but as soon as the upswing of the business cycle gets under way, as it seems to be doing today, one sits back and decides there isn't much of a problem after all. After showing that a scarcity of labor exists in a few skilled trades, a fact which proves nothing about the general situation, our much-deceived Opponents have the tenerity to stand here and tell you that three-fourths of all the unemployment is voluntary. What is their proof?

They quote the United States Bureau of Labor Statistics that three-fourths of the *separations* are voluntary. Now, of course, most men separate themselves from their jobs because they have other positions open to them. But shifting of positions is not what causes unemployment. The men who can find no employment after being involuntarily laid off constitute the permanent army of the unemployed. Careful studies show that there are never less than one million of these, and about a year ago there were four and a half millions. We defy the Opposition to show that these *unemployed* are voluntarily in that condition.

In our first constructive speech we offered two alternatives to the gentlemen from Michigan; that they choose to be indifferent to the evils of unemployment, or that they cite a *better* plan for meeting the problem. What have they had to say in answer? After failing to prove that there is no unemployment problem, they intimated in a vague, half-apologetic way that they would adopt a host of unconnected recommendations of the President's

Conference. But they have not shown just how their plans would work out nor have they even shown how they propose to put their varied systems into practice.

In our first speech, we showed how the British plan is the best one for remedying the evils that not even the Opposition have denied—evils arising from the inevitable as well as the preventable unemployment. It is the best plan because all three parties concerned in and affected by unemployment contribute to insurance which meets this risk for the worker who otherwise bears the whole burden.

Prevention of unemployment is the only merit the Opposition have claimed for their untried systems; they make no provision for relief. Unemployment insurance not only is the best relief measure, but it is a plan that itself will actually *prevent* that part of unemployment that is not inevitable in the very nature of our industrial structure. It will tend to reduce this unemployment to the lowest possible minimum. It will do this: first, by reducing the number of unemployables; second, by giving maximum employment to able men; third, by placing an incentive to reduce unemployment on all parties who have the power, thru its system of triple contributions; fourth, by making it especially worth while for the employer to reduce unemployment by certain specific provisions which I shall enumerate; and fifth, by regularizing purchasing power and hence expenditure.

First, as to the unemployables: They are those of the working class who are out of employment because their work—owing to physical or mental incapacity—is of such poor quality that it does not pay the employer to hire them. Now one great cause of unemployables is unemployment itself. This is one of society's vicious circles. A man constantly becomes more unemployable and loses his skill, efficiency, and morale because he is unemployed. At the same time, he keeps unemployed because he is unemployable. This vicious circle carries the worker to lower and lower levels of employment. Less employment gives the laborer less chance to develop efficiency which would keep him employed; this in turn gives less employment. The breaking of this vicious circle may hinge on very small amounts of aid in times of crises. The application of the British system would give the worker a job if there was one to be had and benefit to tide him over if there was no job. This benefit, which prevents destitution, at the

same time prevents that deterioration which makes a man unemployable.

And moreover, giving the utmost opportunity to the able man, the plan would tend to focus public attention upon the incapable, unemployable man; thus it would tend to weed out these unfortunates. If the cause of a man's being unemployable was something that could be corrected, measures to that end might be taken after this weeding out, because the difficulty would be apparent to society and to the worker himself. Where the reason for repeated unemployment was lack of necessary training, the adoption of the British system would provide the machinery to test that deficiency and advance the cost of the necessary training.

By giving benefits in crucial times when the worker might start on the spiral of chronic unemployment, by separating the present unemployables so they might receive special attention, and by providing the means of training those who showed themselves unemployable because of deficient training, the British system would reduce the number of unemployables and thus help to make every worker able to earn a living.

In the second place, the British system would act as a preventive because it would give maximum employment to able men. Instead of aimlessly hunting from place to place for work, the man could go to the nearest exchange office. If there was an available job anywhere he would find it under a system of coordinated labor exchanges. In the United States today some men are suffering from inability to find work while elsewhere there are available jobs calling for men, and this is the situation that the British system prevents. It brings the man and the job together.

Unemployment insurance and the exchanges are all part of a connected program, a common idea, and unemployment insurance is necessary to make the exchanges really efficient. The British worker must apply for a job at the exchange before obtaining the unemployment benefit for which he has contributed. His receipt of benefits is contingent on his cooperation with the exchange. He thus comes to look on the exchange as an efficient friend and turns to it whenever he looks for a position. The employer finds the exchange his greatest source of supply for all classes of labor, since such a large number of workers are applying there, not merely the least desirable who generally fall back on exchanges and agencies. The state has the incentive to make its exchanges

more efficient, because by keeping men employed it reduces its insurance liability. And the result? Great Britain has the only efficiently operated system of public exchanges in the world. In round numbers, three million applications for work are made each year, one and a half million vacant jobs are reported, and over a million jobs are filled.

There is a third way in which our plan would reduce unemployment, the triple contribution feature. Employer, worker, and state are the three parties who have it in their power to reduce unemployment. Under the British system, each is contributing to a fund made necessary because of unemployment. Each, therefore, would continually be interested in the problem; its interest would not be aroused only after a crisis had accurred. Employers would have a financial interest in regularizing industry because the commission could reduce their rates of contribution if they gave evidence, thru reduction of unemployment, that the risks had been reduced. The worker's realization of the risk of unemployment would be sharpened by his contribution. In addition he would have the assurance that all contributions over and above benefits paid to him would be paid back with interest when he reached sixty, if he had been a regular contributor. So, for those who had kept employed, the contributions would merely amount to savings, paid back in old age when most needed. A government contribution to unemployment insurance could be of great service. Let me cite a single instance of possible educational work: The government should be impelled to educate consumer demand so as to eliminate the extreme seasonal nature of such businesses as coal and clothing. It would be impelled to do so to reduce its contribution.

In the fourth place, specific provisions of the British system would make it especially worth while for the employer to reduce unemployment. If the employer would hire his labor thru the exchange, and thus cooperate in the work of furnishing regular and continuous employment for able men, the exchange would take over all his administrative duties in connection with contributing for himself and the worker. This would be a real incentive and the resulting cooperation would greatly assist the exchange, particularly in providing continuous work for men who do short time, casual jobs.

In addition, the plan would provide that any industry might take over and administer its own plan if it was satisfied that it

could offer better terms than the general plan afforded. It would have to give at least as large benefits as the general plan and carry out the general purposes of the general plan. If it did this, the regulations agreed on in joint council between the employers and workers would have the force of law and the state would still keep up a small contribution. This contracting out would provide an extra incentive to an industry to reduce its unemployment so that it might run a scheme of its own with smaller contributions, larger benefits, or some more favorable combination.

In the fifth place, our plan would reduce unemployment because of the tendency of the benefits to regularize the whole business cycle. Under our present system, a slight maladjustment of business throws some men out of work. Since industrial wage earners typically cannot save, the buying power of these consumers is largely cut off. This cuts off the demand for the products of other industries. The consequent diminished production of these industries throws other men out of employment, cutting off more consumer demand and repeating the whole circle over a wider and wider area. This continues until we have something approaching a business crisis, a trade depression, and an acute unemployment situation. This in turn keeps other industries from feeling the pinch of reduced demand and having to throw off men. Thus, in addition to all the other ways it helps to reduce unemployment, in addition to filling a great humanitarian need, the British system reduces unemployment by applying sound economics to the problem of the business cycle itself; it thus forestalls the great crises which produce the great waves of unemployment.

THIRD AFFIRMATIVE

Phillip Wain, Chicago

Mr. Chairman, Ladies and Gentleman: The speaker who just left the platform has told you that he is against unemployment insurance because it does not get at the root of the matter, does no eradicate unemployment itself, and he has pointed to the fourteen hundred thousand unemployed in Great Britain today. It would be just as logical, following his line of argument to say that we should abolish life insurance because people are still dying. We would remind the gentlemen of the Opposition that we, as earnestly as they, would welcome a plan which would

do away with all unemployment, but in the absence of such a plan, we would provide a means whereby the economic loss occasioned by unemployment would be distributed and would not fall wholly on the worker himself.

Now as to the fourteen hundred thousand unemployed in Great Britain. It must be remembered that Europe, and England in particular because it is the greatest industrial country in Europe, is now suffering a great economic depression, an aftermath of the World War. But there is no reasonable basis for correcting this statement with the unemployment insurance scheme. We do not claim that unemployment insurance will act as a panacea for all evils under the sun. We may, however, safely say that if it were not for the insurance plan in Great Britain, the situation might today be far more serious. Mr. J. L. Cohen, who has made the most detailed study of the British plan says: "The British system of unemployment insurance has been the greatest bulwark against social revolution in England. After twelve years successful experience, there is no one of consequence in Great Britain today who asks for its repeal. Is that an indication that the law is not operating successfully today?

After all, Ladies and Gentlemen, what we of the Affirmative are proposing this evening is essentially this—the application of the principles of insurance to our unemployment situation. And what is insurance? Insurance implies an agreement to pay a certain sum of money as compensation against a loss which may or may not occur. Fire, physical accident, sickness, unemployment—all are such contingencies and their occurrence is likely to result in great loss to those whose property or person is attacked by them. To protect individuals from overwhelming suffering, the device of insurance has been perfected so that the losses sustained by the few may be distributed over the many and thus great risks eliminated. It is needless, however, to go into any details in this regard, as even our Opponents will agree with us that insurance as a means of distributing risks is not only desirable but practical. The question which then arises is this—Is unemployment an insurable risk? Our answer to that question is absolutely in the affirmative.

According to authorities on insurance, there are four requisities which a contingency must satisfy before insurance principles can be applied to it. First, there must be a risk whose nature must be clearly specified. Second, to this risk large numbers

must be exposed. Third, it must be a risk which appeals to those on whom it is likely to fall, as a menace against which they would, if they could, provide. Fourth, the risk must be capable of being calculated with some degree of certainty.

My colleagues have already shown you that unemployment does satisfy the first three requisites of an insurable risk. Now then, as to the fourth; namely, the risk must be capable of being calculated with some degree of certainty.

The gentlemen from Michigan are by no means original in their argument that the risk of unemployment cannot be calculated with scientific accuracy; it has been a stock argument of opponents of social insurance for many years. Opponents of social insurance of all kinds have always been able to argue that there were not sufficient data on which to base any scientific scheme of insurance, but remember, Ladies and Gentlemen, that there never has been quite sufficient data dealing with the occurence of any contingency until after the origination of a scheme of insurance against it. Take the case of life insurance. No one would argue that life insurance is not on a scientific basis today. Yet back in 1775 when life insurance was in its infancy, the greatest actuary of his time, M. Demoivae stated that the best way to calculate premiums was to assume that out of fifty-two men, one would die every year. It was on such a haphazard basis that life insurance was established. We are in a far better position, today, to introduce unemployment insurance in this country than were the originators of life insurance. There is the actual experience of trade unions who pay out-of-work benefits in Great Britain, France, Germany, Belgium, Holland, and the United States upon which to form the basis of a stable plan with which to begin. Furthermore, we have now some twelve years successful experience of the British system of unemployment insurance as a basis. In short, unemployment insurance is not merely a possibility; it is a fact!

The gentlemen from Michigan have raised the question of practicability. My colleagues have already advanced arguments along that line which demonstrate the practicability of the British system of unemployment insurance as applied to the United States. Allow me, however, to emphasize the arguments of my colleagues and perhaps add a few more.

We of the Affirmative have made an analysis of the opinions of the leading authorities of the world on social insurance, our

list including: Dr. I. M. Rubinow, Executive Secretary of Social Insurance Committee of American Medical Association; R. M. Potts, Insurance Commissioner of State of Illinois and Chairman of Committee of National Convention of Insurance Commissioners; J. L. Cohen, who has made the most detailed investigation of all the authorities on social insurance, of the British system of unemployment insurance; Miles M. Dawson, Consulting Actuary of New York City and joint author of the book "Workingmen's Insurance in Europe"; and Professor H. R. Seager, Columbia University.

Resolving these opinions into their essentials, we find the consensus of opinion to be that certain principles must be incorporated in any national unemployment insurance plan, before it can be practical. These principles are as follows: First, must be compulsory or otherwise bad personal risks would predominate. Second, contribution must be made in part by the workman, in order to gain his cooperation and to eliminate exceptionally bad risks. Third, must avoid encouraging unemployment, and for this purpose it is essential that the rate of benefit be relatively low and that we have the unemployment exchanges. Fourth, must have a maximum limit to the amount of benefit which may be drawn, to exclude the loafer. Fifth, must provide incentive for employer and state to reduce unemployment. Sixth, must aim at encouraging regular employer and workman, and discriminating against casual engagements.

The British system of unemployment insurance advocated by the Affirmative contains every one of these principles—principles which according to the consensus of opinion of the leading authorities of the world are the foundation of a practical unemployment insurance law.

You can see, therefore, that in advocating the adoption of the British system of unemployment insurance, we are not advocating the adoption of a plan just sprung from the mind of some philanthropic theorist, but a plan which has worked and is actually working out successfully in practice today. And remember, that the United States is ready for unemployment insurance. The successful inauguration of the British scheme of unemployment insurance as well as the serious unemployment crisis of 1914-15 and 1920-21 are responsible for the growth of a movement in favor of unemployment insurance in this country. Not only were

private studies and discussions begun, but even state and national legislatures held hearings on the subject with a view to the appointment of commissions and the suggestions of legislation.

The state branch of the American Federation of Labor in its recommendations to the New York State Constitutional Convention of 1915 proposed that unemployment insurance be held constitutional. Both the New England and the International Typographical unions have recently resolved that they are heartily in favor of the principles of unemployment insurance. In our own city of Chicago three committees were appointed to deal with the unemployment situation recently, and all came to the conclusion that unemployment insurance ought to be introduced at the earliest possible moment. The state of Massachusetts has already introduced in its legislature an unemployment insurance law which is practically the same as the plan advocated by the Affirmative here this evening. National bodies have not ignored the problem either. The Industrial Relations Commission recommended the investigation and preparation of plans for insurance against unemployment and a Congress committee held hearings on unemployment insurance in 1916. The time is now ripe for the adoption of the British plan in the United States.

Allow me to review the case of the Affirmative this evening We have shown you that: First, the British system of unemployment is not only a remedy but is the best remedy for the evils of the unemployment which is inevitable in the very nature of our industrial structure. Second, the British, system is not only a remedy for the evils of unemployment but actually tends to reduce unemployment itself to the lowest possible minimum. Third, the application of the principles of insurance to our unemployment situation is justifiable and practical. Fourth, the United States is ready for the British plan.

Ladies and Gentlemen, you are all well acquainted with the feeling of unrest in our country today—murmurings here and there, of discontent with our industrial system, our governmental system, our social system. These murmurings are not without cause; they do not arise without some reason. In the words of Professor H. R. Seager of Columbia University, a leader in social movements and investigations, "More workers have been turned into embittered enemies of law and order by unemployment than by any other cause." Now we of the Affirmative do not hold forth the prospects of a utopia as a result of the adoption of the

British plan in the United States, but we do maintain that it is a step in the right direction toward bringing about industrial peace.

FIRST AFFIRMATIVE REBUTTAL

Phillip Wain, Chicago

Mr. Chairman, Ladies and Gentlemen: In the course of this debate the Affirmative have laid down four main issues. We have shown you, first, that the British system of unemployment insurance is not only a remedy but is the best remedy for the evils of that unemployment which is inevitable in the very nature of our industrial structure; second, that the British system is not only the best remedy for the evils of unemployment but actually tends to reduce unemployment itself to the lowest possible minimum: third, that the application of the principles of insurance to our unemployment situation is justifiable and practical; and fourth, that the United States is ready for the British plan. Now let us see just what the gentlemen from Michigan have had to say to these issues.

They have told you that the conditions in the United States are so different from those in England that the application of the British plan here would be impossible. Just what are these differences of which they make so much? They mention first, the difference in size. Is this an insuperable obstacle in the way of the proper functioning in the United States of the labor exchanges which are a part of the British plan? We have already pointed out this evening that under our plan the country will be subdivided into appropriate labor exchange districts and that a man need not be sent from Maine to Florida or from the Atlantic to the Pacific coast in order to fill a vacancy, as our Opponents would have us infer. And remember also that Federal labor exchanges are by no means an untried experiment in the United States. When we realized their need during the war, they were established, and according to the report of the Federated American Engineering Societies of America the number of men reported placed were as follows: year 1918, 1,890,593; year 1919, 4,267,350; year 1920, 2,020,252. Only in last Sunday's Chicago Press, Secretary of Labor Davis said, "I recommend strongly a system of Federal labor exchanges in the United States." Does that seem to indicate that labor exchanges will not work in this country? Our Oppon-

ents will certainly have to advance far more convincing evidence than mere generalities about difference in geographical size to convince the audience here this evening of the impracticability of labor exchanges in the United States.

The second obstacle to which the gentlemen from Michigan would call your attention, is the democratic spirit here in America which is, they say, opposed to the compulsory features of the British plan. Why, that is the same cry that was raised in England when this plan was first introduced. The advocates of "personal liberty" pointed out eloquently that the originators of Magna Charta would never consent to such violation of their personal right of being able to say whether or not they would be insured. The British system of unemployment insurance was passed, however, with hardly a dissenting vote in Parliament, and the principle of compulsion will meet no greater opposition in the United States. As a matter of fact, compulsion guides us more or less in every step we take. When you leave your home you have to obey traffic laws; your house must be constructed in accordance with the regulations prescribed by a building code; you cannot hunt out of season; your little brothers and sisters must obey compulsory school laws, and so on without end. Between compelling a man to give up some of his earnings to support public charities, and requiring him to lay by in a safe place part of his earnings to meet the almost certain financial emergencies of his own life, there is little comfort for the advocate of "personal liberty."

The gentlemen from Michigan have told you that labor in the United States is opposed to the British plan and advance as their proof, the statement of Mr. Gompers. They have not told you, however, that Mr. Gompers in the year 1916 speaking before a committee of Congress, said, "I have not one cent of insurance. I do not want you for a moment to believe that I am a supporter of these private insurance companies." They have not told you that, because they realize that it proves that he is not only against unemployment insurance but is also against fire insurance, burglary insurance, accident insurance, and life insurance. Mr. Gompers is opposed to every possible form of insurance. Can he be said to speak for American labor or for himself, especially when other labor leaders such as, John H. Lennon, vice-president of the American Federation of Labor, Fred O'Connor, secretary of the American Federation of Labor, and Mr. Garri-

son, president of the Order of Railroad Conductors, are in favor of unemployment insurance?

But suppose we should assume for argument's sake that Mr. Gompers does speak for organized labor remember that after all, union labor composes less than 10 per cent of the total wage earners of the United States and is it just to allow the attitude of a small minority to act as the criterion of the wishes of the overwhelming majority, especially in view of the fact that even the attitude of the small minority is not unanimous?

Now having consumed all other arguments, our Opponents have raised the alarmist cry of "socialism." That cry has become the stock bugaboo of late years of all who find themselves upon the wrong side of an argument. There are almost as many ideas about socialism as there are socialists. Socialism in the United States has resolved itself into municipal, state, and national enterprises for the furtherance of general welfare. Whenever this can be attained more effectively and economically by collective effort than by private enterprise, the *name* given to the particular manifestation of civic enterprise is immaterial.

We would again remind our worthy Opponents that having admitted the injustice of the present system of placing the entire burden of unemployment upon the workman, they have yet to prove to the audience here this evening the inadvisability of distributing the burden equitably through the application of the principles of insurance to our unemployment situation.

SECOND AFFIRMATIVE REBUTTAL

N. Arnold Tolles, Chicago

Again we call your attention to the fact that our Opponents are no nearer answering our challenge to cite a better plan to meet the unemployment problem. Prohibition of child labor has been half-heartedly mentioned in disregard of the fact that that reform still leaves the unavoidable reserves of labor without relief and does not regularize the business cycle.

Although the Opposition opened its argument with the statement that it wanted a system which would prevent unemployment, the gentlemen have failed to show just how anything that they have proposed would do so while we have shown five preventive features of the British plan.

What practical trial have their plans received? They have cited no experience. Yet the British plan has been in actual operation since 1912 and, like any tried device, has been open to all the possible difficulties and objections of actual practice.

With this record open to them, our Opponents have left out of account the admirable service of the system prior to and during the war and have concentrated their attack on the present situation. Let us examine the validity of their criticism. They contend that Great Britain today faces the most severe and prolonged unemployment crisis of a century. Do our Opponents dare to say unemployment insurance is the cause of this crisis? They know it is due, fundamentally, to Europe's economic breakdown, the aftermath of history's biggest war. It is impossible for the unemployment insurance system with its labor exchanges to cause unemployment since a man loses his benefit if he refuses an available job. In spite of the fact that there has been insufficient work for a great mass of British workers, in spite of the fact that the insurance system was never built for such a crisis, unemployment insurance has been the one means available for dealing with the crisis and Mr. Joseph L. Cohen was unable to find anyone of consequence who wanted the measure repealed. In fact it is startling to think what might have happened before this if some such system had not been available to meet society's obligation to its unemployed workmen.

The gentlemen from Michigan have tried to create the impression that the public, capital, and labor would be opposed to such a plan. What more fitting way could there be to spend public money than in helping to insure the mass of industrial wage earners against unavoidable unemployment and its evils? And why should not employers pay part of the cost since they receive the profits from industry in return for undertaking its risks and are at least partly responsible for unemployment itself? But as a matter of fact the bill was proposed in Britain by the Prime Minister representing the public. It was passed with astonishingly small opposition from employers, and more than ten years of operation have shown all willing to fulfill their obligations. It would require grave misinterpretation of the facts to show labor opposition in Britain. British labor is so far from demanding the repeal of the plan that it wants the benefits increased to make it even more effective, and this in spite of the fact that labor would have to pay at least a share of the increased cost.

While some union leaders in the United States may feel that public administration of unemployment insurance might weaken their power, such leaders as John N. Lennon, and Fred O'Connor, vice-president and secretary respectively of the American Federation of Labor, and Mr Garrison, president of the Order of Railway Conductors, are in favor of the plan. In addition we must remember that the union is not an end in itself, as those supported by it are apt to regard it, but only a means to an end, that end being the welfare of workers. If some other agency can advance this end it should do so. Finally the divided opposition of some unions fades into insignificance when it is remembered that unionism has never reached more than one-sixth of the workers of the United States and it is the other five-sixths, typically lower paid, that most need the protection of unemployment insurance.

In closing, we would like to ask our Opponents what witchery of figures they use to prove that a system providing for nearly all of Britain's industrial workers would not do the same for the United States if transplanted, but would exempt 60 per cent as they have said. We have already shown that no three-fourths of the unemployed are voluntarily so. Therefore the statement that the system would meet but 10 per cent of the unemployment is absolutely unsupported. If it did provide for only 10 per cent why should it cost so much since three-fourths of the cost pays for benefits directly?

THIRD AFFIRMATIVE REBUTTAL

Nathan J. Harrison, Chicago

Ladies and Gentlemen: It is amazing to hear the gentlemen of the Negative contend against the adoption of British system of unemployment insurance on the ground that the unemployment crisis has passed, and that there is scarcely any unemployment left. Assuming that such is indeed the situation, the line of argument presented by the Negative reminds us of the man who had a leak in his roof, and when it wasn't raining there was, of course, no need of fixing it, and when it was raining, he couldn't fix it. But as a matter of fact, the premise of the Negative is by no means accurate, for only last Sunday in the daily press, Secretary of Labor Davis stated that there are at present in this country a

million unemployed every day, and declared himself in favor of a Federal system of labor exchanges to find jobs for the unemployed. And as for the practicality of a national system of labor exchanges, we would remind our Opponents that during the war, when the need was particularly brought home to us, we had a national system of labor exchanges.

Our Opponents have told you the plan is prohibitive because of the great cost that it would involve. Even if by the word cost we speak in terms of monetary values only, we wonder if our Opponents know that, in normal times, the annual cost of the scheme will not build a first class battleship But after all, can unemployment and the host of evils it gives rise to, be measured in terms of money only? Are these evils worth saving? Do your Opponents think we are economizing by our present (laissez faire) policy? Friends, we pay for these evils anyway, and money may often be the cheapest way. If we followed the logic of the Negative, we would close our public schools because of their enormous cost.

Our Opponents have inconsistently argued that labor is opposed to our plan; on the other hand, they have told us the plan will enter politics and become a political football for labor. If that will be the result, why should labor be opposed to the plan?

The Negative have laid emphasis on the present economic situation in Great Britain as proof that the plan has collapsed. Even if that were so, that would no more be a valid argument against the plan than the failure of a police department of a large city to maintain order on a certain occasion so that a riot ensued, would be an argument for the abolition of the police department, or the destruction of a whole city by fire would be an argument against fire insurance. However, the plan has not collapsed, so that England, in the face of the present unheard of, unparalleled economic depression in its history, has kept its head above water, has saved herself from the grip of bolshevism, and this, in the words of Mr. Cohen, the noted authority on the subject, is due in the greatest degree to the insurance plan.

The Negative have labelled the plan as paternalistic, have called it names. This is a time honored and rather promiscuous method of arguing, but fallacious because it does not consider the merits of the question. It savours of a doctrinaire and dogmatic viewpoint rather than a pragmatic one. After all, names are

immaterial. In the words of that immortal English bard, "that which we call a rose by any other name would smell as sweet."

The Opposition tell us that our plan is a mere palliative and will not abolish unemployment, and they have mentioned several ways of reducing unemployment. We of the Affirmative are in favor of all desirable methods of diminishing unemployment. We can see that if a way could be discovered of absolutely preventing fires, there would be no need of fire insurance, if accidents could be abolished there would be no need for a Worker's Compensation Act, and if the serpent hadn't tempted Eve, and we all would live to eternity, then what function would the life insurance company serve? But the Affirmative has pointed out, in reliance on good authority, that regardless of what may be done, a certain amount of unemployment is inevitable, is inherent in our industrial structure, is even essential if industrial progress is to continue, and that it is unfair and unwise from a social standpoint that those unavoidably unemployed should alone be forced to bear the entire burden. We have shown how our plan, through the mechanism of the labor exchange will reduce unemployment to the irreducible minimum, so that in the last analysis unemployment insurance will become simply and solely the support of the necessary reserve of labor in unavoidable periods of unemployment, that those who are thus inevitably unemployed can and must be insured against pauperism and destitution, and that the British plan is the best plan for doing that particular thing, so that its benefits and advantages ensue not only to the worker, but to society and the employer as well. And upon these facts we of the Affirmative rest our case.

Negative Speeches in Debate against Northwestern University

FIRST NEGATIVE

David Ziskin, Chicago

Mr. Chairman, Ladies and Gentlemen: The preceding speaker has emphasized as the basis of all the Affirmative argument, the immensity and severity of the unemployment problem. We of the Negative wish to concur in his opinions and sentiments concerning that situation. Not only do we agree that unemployment is a momentous social evil, but we insist that whatever be proposed for its alleviation or eradication be likewise fundamental and thoroughgoing. We realize that the intricate mechanism

of production, continually weaving out or breaking down, leaves countless laborers without work—stored in their homes like steam pent in the boiler of a wrecked engine. And as the steam while cooling loses its force; so human labor while unexercised degenerates. But unlike steam, the worker does not vanish in the air. His physique weakens, his proficiency deteriorates, his morale slumps, his morals rot and then he is left—a helpless and hopeless burden upon society. Let me repeat that our solicitude for the welfare of the unfortunate unemployed is sincere and genuine. Thruout this debate, we shall consider and emphasize his condition.

The first Affirmative speaker has pleaded that the worker should not be forced to assume the entire cost of his unemployment. Again we agree. Yet we by no means confirm the notion that the British system either adequately or equitably relieves the worker of his heavy burden. True the English laborer is given an unemployment benefit. But he is also made to pay for it under conditions which, we of the Negative believe, render that tax on the workers most objectionable.

Let us recall, once more, the circumstances of the worker. A laborer unemployed is unable to support himself primarily because in times of employment he does not earn enough to save. In other words, normally a wage earner must consume every cent of his income. Hence if our concern for him is real, we should not place a tax upon him unless such a charge is absolutely necessary or has a distinct compensating value.

As to the unavoidable need for such a tax, Germany, France, Switzerland and several firms in the United States have amply demonstrated that sufficient funds may be raised from other sources than labor. And as to a compensatory value of taxing those little able to pay, none can be found. The British system's taxes are levied on the theory that they will prove unemployment expensive and elicit a wholesome reaction for its prevention. For instance, if the government is taxed and feels the burden of unemployment, it will be induced to establish labor exchanges, distribute public works, control child labor and adopt such other means as it can for the eradication of unemployment. So if the employer is taxed, in order to reduce that cost, he will regularize his industry to reduce its unemployment. But if the worker is taxed, even though he wants to diminish unemployment, how can he? The worker cannot establish public

agencies, and since he has no control over the management of industry, he cannot regularize industry. Nor in any other way can the worker control the amount of unemployment. Surely, then, we shouldn't tax him to induce the impossible. Of course, if industry would be democratized—just as soon as in any particular plant the worker would be given a share in the management—he, like the employer would be able to reduce unemployment and a tax to compel him to do so would be proper. But under existing conditions, where the worker cannot exert an influence over unemployment as can the state and the employer, a tax upon him is decidedly unjust.

The Affirmative may claim, however, that the workers are partially responsible for unemployment in that the shiftless and lazy cause an excessive turnover of labor. But, Friends, taxation will not remove individual indolence and restlessness. On the contrary, it may augment it; for one who pays taxes assumes the idea that he is entitled to the benefits for which he pays and so will readily grasp any opportunity he can to collect relief. And if taxation will not prevent what little unemployment a very few workers cause, its continued existence must be as a penalty upon all the workers for the faults of a few. The injustice of such a punitive measure is quite evident, especially once we recall the meager ability of most workers to pay.

Still, it might be said, that since the worker receives direct relief, he should help pay for it. This is equivalent to saying that one ought to mark his Christmas packages "Postage Collect" because the recipient of the gifts should help pay for what he gets. But let us not be misunderstood. We do not mean that unemployment benefits are gifts. They are more than gifts. They are rewards for services. And surely if a beneficiary should not pay for a gift, he ought not pay for a service reward.

We of the Negative, recognize only one valid reason for taxing the workers, and that is they might be induced to diminish unemployment in order to reduce the tax. At present, however, the workers can in practically no way control the amount of unemployment. Hence as long as that condition exists, the workers should not be required to contribute for unemployment insurance.

This, Ladies and Gentlemen, is the basis of the Negative case. Though we shall propose a remedy for unemployment that contains many advantageous features over the British, the

underlying philosophy of our case is that we believe it unjust and highly inconsistent with our concern for the worker's welfare to tax him as long as he has no power to lessen the amount of unemployment. Such a power, he can get only by a share in the management of industry. Hence just as soon as any particular employer gives him that managerial representation, yet not until then, do we advocate labor's contribution to unemployment insurance. Let us be frank and open from the outset. Upon this we base our contentions and upon this must be founded the issues of this debate.

Just how the Negative has devised to ameliorate the suffering of the unemployed can best be observed from the viewpoint of the roles played in our plan by the state, employer and employee.

By most students of unemployment, the government is regarded as the instrumentality for effecting a number of more or less fundamental remedies of unemployment. It can institute labor exchanges, distribute public works, control immigration, and restrict child and woman labor. All these things the state can do. But let us realize, it can do these things regardless of any system of unemployment insurance including the British plan. We of the Negative advocate such governmental undertakings and propose a scheme for meeting unemployment that would as well if not better than the British harmonize with such measures.

The function of the state under the British unemployment insurance system is to administer it except when the system is contracted out and the employers manage their own schemes. In either case, the expenses are contributed to by the government, employers and employees, and the financial economy of all administrative improvements is shared by all three parties. But under the system of the Negative, the state alone would assume the tasks and costs of administration. It alone is extensive and powerful enough to reach and coordinate properly all the scattered industries and workers of the country. Its fitness can be transmitted by no scheme of contracting out. It alone should administer the system. And besides assuming the work, the government should bear the entire administrative costs. For then, all betterment in its work would mean a cheapening of its costs, enjoyed wholly by the government instead of divided among three parties as under the British system. This would

result in a maximum, direct, pecuniary incentive to improved administration. For such an advantage, the Negative proposes that in an unemployment insurance system for the United States, the government be solely responsible for the administration and its costs.

This role of the state is in full accord with the philosophy of the Negative's case. It allocates to the government, not the worker, the duties and expenses of administration because the state, not the worker, can care for and better that branch of the system. Applying similar logic to the other phases of an unemployment insurance scheme—always holding in mind that as long as the worker can in practically no way diminish the amount of unemployment, he should not be taxed for unemployment insurance—the following speakers shall complete the proof of the inadvisability of adopting the British system in the United States.

SECOND NEGATIVE

Howard Wilson, Chicago

Ladies and Gentlemen: We have been told in all seriousness by the preceding speaker that the benefits of labor exchanges are reasons for the adoption of the British unemployment insurance system. But labor exchanges are not alone a part of the British system. Exchanges existed in England two years before unemployment insurance existed there; exchanges are working today, not in conjunction with the British system, in eleven countries of Europe. Japan and Canada have exchanges; three years ago the United States herself had them, practicing on a small but highly successful scale. The plan which we of the Negative propose, although radically different from the British system, also embodies labor exchanges and will benefit as much by their successes as has the British system.

Considering the chart which the gentlemen of the Opposition have placed before us, we find it apparent that much of importance in this debate deals with unemployment insurance as it affects the employees—that class of industrial workers for whose relief and benefit all forms of unemployment insurance are calculated. Then, let us for a time deal with that phase of the question. First, it is wise to point out certain fundamental considerations pertaining to it.

First, consider the importance of labor's attitude toward any system which so vitally concerns labor as does one purporting to deal with the unemployment problem. Labor's cooperation is necessary for the successful practice of such a system; labor's opposition will ultimately defeat that practice. Bearing this in mind we may see the significance of the fact that British labor opposes the system which our Opponents advocate. At the opening of Parliament on November 23, 1922, the Crown recommended the continuance and extension of the existing unemployment measures. As a direct result of that recommendation, opposition to the Crown was organized around those members of Parliament opposed to the existing measures; those members were the one hundred and forty-two labor members of Parliament. Ramsay McDonald, leader of the English Labour Party, became leader of the parliamentary opposition. In his first speech in that capacity he outlined the opposition as directed primarily against the unemployment policies of the government. He said, during the course of his speech:

"We of the Labour Party are not interested in the 'ameliorative measures prepared by the late government'" (which is the exact expression used by the Crown in referring to the British unemployment insurance system).

The opposition, at once, moved this amendment to the address of the Crown, "(The House) regrets that, in the face of unexampled unemployment, *largely the results of four years of mistaken policy,* there is *no proposal* for an adequate and equitable treatment of the victims of that policy."

This incident, only one of many, is sufficient to show that British labor is unalterably opposed to the system which our Opponents have accepted as a model. Yet our Opponents would have us believe that their system was created for the relief and benefit of these people whom it most angers. In the interests of labor—of all society—let us examine the defects, inadequate and inequitable, of this system to which labor objects; let us examine the validity of their objections; and let us determine upon some course which may overcome those objections.

The British system, by exacting contributions to an unemployment insurance fund from the class whose poverty and misery necessitates the very existence of such a fund, works toward the defeat of its own ends. Unemployment relief is necessary in our industrial order because there are victims of

that order who feel the pinch of unemployment. These victims, during periods of employment make little more than a subsistence wage—not enough to tide them over unemployed periods. If that were not so—as the Affirmative must agree—unemployment insurance would not be necessary. In spite of that fact, which is pitiable but true, our Opponents would exact from labor a toll from his already too scant wage and would have that toll a flat rate upon all workers regardless of their standards of living or the amounts of their wage.

These are measures which deal with unemployment relief; let us turn to those phases of the British system which concern the ultimate prevention of unemployment, which is by all odds the most important purpose of any scheme purporting to deal with the unemployment evil. In 1920 the Labor Press of England designated the Unemployment Act of 1920 as "purely a relief measure without a single feature designed to diminish unemployment." In 1922 Prime Minister Bonar Law referred to the same act as a system of "ameliorative measures." Labor contends that it is treated as little more than a commodity, that the individual worker exercises not the slightest control over industry and can do nothing to prevent unemployment. That prevention can be brought about only by applying pressure on the factors that can bring it about. Those factors are the factors which control industry; *labor is not one of them.* Moreover, it is perhaps a defect of human nature that those controlling factors will not act to prevent unemployment until it becomes to their advantage to do so. It will not become to their advantage so long as their burden is lightened by shifting a part of it to non-responsible parties in industry.

As final objections (from the viewpoint of labor) to the British system, there are its injustice toward the worker and its inequitability as regards both relief and prevention. As has been pointed out, in our present economy labor is primarily a commodity; the individual worker has no voice whatever in the control of industry. We of the Negative believe that labor should not be taxed for an evil over which it has no control. However we would not object to the taxation of labor for unemployment insurance provided that *labor was first given a share in the control of industry.* The Affirmative has called unemployment an "industrial evil." Then we maintain that the burden of such an evil should fall on the controllers of industry

and not on labor until labor is one of those controllers. When "democracy in industry" has come about, when control—and with it responsibility—is shared, then, and not until then, can labor with justice be taxed for the support of an "industrial evil." Moreover, we of the Negative esteem it not one of the least merits of our system that it will work toward bringing about that desired "democracy in industry" in a way that the British system can never work. Of that more will be said later.

As another fundamental consideration let us here finally determine the worker's share in responsibility for unemployment. Many are the causes of unemployment but all of them may be summed up under the three great causes listed by Sir Arthur Beveridge. They are:

First, changes in industrial structure. The decay of existing processes, the innovation of new machinery, the decay of old industries and the establishment of new ones. Without further remark it can be seen that labor is in no way responsible for these changes; it can do nothing to prevent or control them; in justice it should not bear the burden of unemployment resulting from them.

Second, fluctuations of industrial activity. This includes both seasonal and cyclical fluctuations. These, insofar as they are not due to unusual causes, may be prevented by the regularization of industry. Experience has proved that seasonal fluctuations may be avoided by combining trades and industries of different seasons. The best example of this is the combination of the coal and ice business. Here again it may be seen that labor has nothing to do with such combinations; they may be brought about only by employers. Cyclical fluctuations may be avoided largely by strict cooperation and coordination of the forces of expansion and credit. Here again labor is in no way responsible; those forces are in the control of the employers.

Third, the necessary reserve of labor. It has been argued that, our society being dynamic, there is a certain labor reserve necessary for our best development. That is undoubtedly true. But it is equally true that such a necessary unemployment reserve is but a minute fraction of our existing unemployed labor. It is the great mass of unnecessary unemployment that we desire to eliminate. And for accomplishing that end, pressure must be brought to bear upon the forces which can do most toward

bringing about regularization of industry. We have seen that labor is not one of them.

Then why, I dare to ask the gentlemen of the Affirmative—why is it that the system which they honor by advocating levies contributions from such non-responsible parties? Why does labor have to contribute in the amelioration of a defect for which it is in no way responsible, which it can in no appreciable way remedy, wherein it will inevitably bear the burden of misery and, in justice, should not bear the additional burden of financial contribution? We have in the plan which our Opponents advocate, an instance of social injustice fully as criminal, as degrading as that of which they have spoken. Labor is not responsible for its own unemployment yet the Affirmative would make labor pay for it. Of who is responsible and who should pay for it my colleague will speak more fully. The points of interest and importance here are these:

Labor is not responsible for unemployment and can do nothing toward the regularization of industry, which will prevent the great share of humanly preventable unemployment. The British system taxes labor for unemployment. Such taxation is a grievous injustice to non-responsible labor. More than that, it lightens the burden of responsible factors in industry and thereby condones lack of action to prevent unemployment.

As regards the employee and unemployment insurance I have brought out four fundamental facts.

First, British labor is unalterably opposed to the system which our Opponents advocate.

Second, the British system works toward the defeat of its own ends by levying contributions from the already too scant wage of labor.

Third, the British system tends to defeat action toward the ultimate prevention of unemployment by placing pressure which should be placed on responsible parties, on non-responsible parties.

Fourth, and from a humane and Christian standpoint, most important, the British system incorporates within itself the social injustice of levying a tax upon the worker, a tax which is not necessary and which is unjust.

All these evils are keenly felt and have been pointed out by the labor of Great Britain. The attitude of the government in

upholding them has caused and is causing labor demonstrations throughout all England, has caused a severe political crisis during the past three months, has made organized labor the dominant party in the parliamentary opposition, for the first time in the history of the British Empire. It has increased unrest, cost an untold sum, and accomplished a very small percentage of the good which its supporters claim for it. Is that the system and are those the conditions which the Affirmative would have brought to this country? Will not the Affirmative have us profit by the experiences and mistakes of our own mother land?

The Negative this evening proposes to profit by those experiences and mistakes. We support a system which has none of the disadvantages I have outlined, a system wherein labor is *not* taxed, wherein pressure is directed against responsible and not against non-responsible parties, a system which is both adequate and equitable. It is a system based on democratic justice, one which aims at more than the mere amelioration of an industrial evil.

It is upon the issues raised by the manifold differences between this, the Negative system, and the British system, the Affirmative system, that we challenge our Opponents to meet us here this evening.

THIRD NEGATIVE

Stanley C. H. Turnquist, Chicago

The unmistakable issue of this debate is whether, under our present industrial system, we want a system of unemployment insurance that would force the worker to incur liability for conditions over which he has no control, or whether we want a remedy based upon payment proportionate to actual responsibility, and which would provide an incentive for representation of labor as well as capital in management.

The British system, in haphazard, superficial fashion, allocates the cost among the employers, workers and the state as the easiest means of disposing of a difficult problem. This triple payment device, while it gained favor at first, is now being severely attacked because it does not place the major part of the charge on the employer who is largely responsible for the conditions that give rise to unemployment. Moreover, it is to the employer that we must turn for prevention of unemployment as

he alone guides the managerial policy of his business. If he does not regularize his industry no one else will. That he *can* regularize his business is a commonly conceded fact. John B. Andrews, secretary for the American Association for Labor Legislation, in his Practical Program for the Prevention of Unemployment, gives a large number of suggestions as to what the employer, whom our Opponents would exempt from his responsibilities, can do, and is not doing today, to relieve the unemployment situation. Just a few of these will serve to show the great possibilities that lie in this direction. He can study the causes of labor turnover which are at present so excessive that factories frequently hire and discharge one thousand men in a year to keep up a force of three hundred. He also can provide for systematic transfer of workers between departments, employ all on part time rather than lay off part of the force. He can do much to regulate and distribute his output as evenly as possible throughout the year. He can cooperate with other employers. But how much of this is done? With the exception of a few progressive manufacturers who have shown the practicability of these and many other suggestions, nothing has been done. A large proportion with their eyes closed to the need have let it slide while some in a position of power have deliberately and palpably caused unemployment to create an artificial shortage of their products that prices might soar at the public's expense. Nowhere has this been more strikingly shown than in the coal industry during the late war. Statistics taken from the report of the Secretary of Treasury, William McAdoo, showed that in this industry 100 to 200 per cent profit was the rule while some made 500 per cent, others 1,000 per cent, and a few actually 1,500 per cent. Do the gentlemen mean to imply that these men are lacking in means of controlling this situation to the extent that would warrant such profits and exonerate them from bearing the responsibility for unemployment? Miners have been thrust out of work at the mere whim of the operators. No, Ladies and Gentlemen, if this is to cease there must be devised a system that will make it costly for the unscrupulous, or the willfully negligent employer to let unemployment continue. Instead of preventing this intolerable condition the British system perpetuates it. It has not sufficient incentive to reduce unemployment. There is to be sure, a cost on the employers, but it is not so placed as to bring about action. In England the indi-

vidual employer cannot expect a decrease in the amount he must pay toward the benefit fund unless there is a diminution of unemployment thruout the country at large, which might result in a smaller rate, if the benefit of that decrease were not given to labor. In England every concern pays a flat rate according to the number of men employed; not according to the number of men discharged during the year. In other words, a corporation with an irriducible minimum of unemployment must pay as much per man as the corporation with a turnover two or three times as large as its ordinary payroll. No distinction is made between the employer who is honestly trying to prevent unemployment and he who makes that evil his last care. If the gentlemen imagine that this system will prevent unemployment they have made a great mistake. A system so conceived whether or not dedicated to the noblest aims cannot attain its object.

Let us take a concrete case. Here is a factory employing two hundred men. Do you suppose for a moment that the management will try to reduce unemployment on the vague and uncertain hope that there *may* be a reduction of unemployment throughout the country at large, in which case there may be a reduction in the rates it has to pay? If it attempts to bring about a reduction of unemployment it has other reasons in mind—certainly not this. On the other hand, if it were only to pay for the unemployment for which it is directly responsible there would be an immediate incentive to better that condition. That has been well illustrated by the numerous safety devices that have been installed since this principle was applied to accident insurance. Under our plan, if the employer succeeds in reducing unemployment he is certain of a reduction in the amount payable to the benefit fund. And furthermore he can tell in so many dollars and cents what his efforts have saved him. His success does not depend on the shadowy and illusory hope that others whose interests are best subserved by unemployment will follow in the path he has chosen. In this respect, our plan, nation-wide in administration, but in which contributions are levied on a basis of *plant* unemployment has a tremendous incentive to unemployment prevention while in the British system the incentive is negligible.

Our plan would also provide an incentive to representation of labor as well as capital in management. Now, we have no objections to contributions commensurate with responsibilities,

but we do, under present industrial conditions, oppose the method of triple payment which is the very heart of the British system because it taxes the worker for managerial mistakes while the worker is denied a representation in managerial policy. We believe sincerely that when the employer "recognizes the literal fact of the operative partnership of workers and honestly accepts the moral consequences of corresponding rights to partnership in control," then, but not until then, workers should contribute a share toward the risks of unemployment.

Now it is not our purpose to wait until democracy in industry becomes as well established as democracy in government is today. We propose to inaugurate a method of triple payment on a plant basis as soon as labor is given a voice in the management of any particular concern, to hold out this appealing inducement to the employer to give labor a voice in management. This share in control, when once given, will get at the heart of the industrial problem. In the first place it gives the necessary cooperation so essential to the successful operation of any industry. A general diffusion of knowledge among the workers of conditions confronting management would do much to remove unwarranted distrust and lack of sympathy. It would be an invaluable means of regularizing industry. Labor, for one thing, will not allow itself to be voted out of a job, by voting to stop production, but will vote to continue production without any fluctuation of products or prices. This must stabilize industry and the market. A steady production based on the computed demands of the market is the worst enemy of the manipulator who wants an artificial scarcity every year to boost prices. And, of course, steady production is but another way of saying steady employment. Thus a large number of shut downs which are in reality nothing but unofficial lockouts would come to an end. Since labor primarily is interested in steady work rather than a rush followed by slack periods, it will oppose sporadic employment with its alternating hire and discharge. In the clothing industry there has been a voluntary restriction of hours of work and an attempt to spread the work over the dull seasons. Thus this cooperation tends to give steady work to the laborer, diminish risk and increase volume of business to the employer and lower prices to the consumer. But labor today, with the exception of a few individual cases is not represented along with capital. Till it is, our efforts must be directed toward that

end. We have given an incentive for it by our immediate plan. And as we said before, when labor along with capital is given an equal control, hence an equal responsibility for conditions that give rise to unemployment, then we shall endorse equal payments on a basis of plant unemployment. Till then we are for a remedy whereby the costs of benefits are borne by the employer and the costs of administration by the state.

FIRST NEGATIVE REBUTTAL

David Ziskin, Chicago

MR. CHAIRMAN, LADIES AND GENTLEMEN: We of the Negative have sought to constitute this debate of as little manoeuvering for position and as much direct clash of argument as possible. Accordingly, at the very outset, we enunciated the philosophy of our case. We declared that our alternative for the British system and our further contentions were based for the most part upon the proposition that as long as the worker can in practically no way control the amount of unemployment he should not be taxed for unemployment insurance. Yet, what have our friends from Northwestern answered.

The British system, they say, may include the plan of the Negative. A solitary special scheme permitted under the contracting out clause of the British law has eliminated the contributions of the worker. This, they maintain, is our remedy for unemployment. But let us note some essential differences. First, the English special scheme is administered by the employer, not the government. Second, under it, the government pays for benefits as well as for administration. These differences involve a fundamental variation in the principles of our schemes for unemployment relief. We of the Negative have proposed to distribute the tasks and costs of our plan so that the government alone would be responsible for the work and finances of administration and that the employer alone would pay the benefits required by his unemployed. Such an allocation of function, we have proved, would be least burdensome to the parties involved and would provide the maximum incentive to unemployment prevention. The British special scheme diverges materially from the Negative's plan and hence mitigates or eliminates these utmost advantages.

What is more, it is quite evident that even the British special scheme, made to approximate ours as much as possible, would not be widely extended under the British unemployment insurance plan. To date, only one such scheme has been adopted. What reason have we to believe that employers, one by one, in face of bitter competition, would assume voluntarily the entire costs of unemployment benefits? The Negative's provision for a simultaneous and compulsory introduction is fatally absent from the contracting-out clause of the British law. Hence our remedy for unemployment would not be made a part of the British system even if that were possible.

As a final denunciation of our scheme, the speakers from Northwestern have called it charity—positive to produce a loss of self-respect or a rise of opposition among the workers. If so, we ask, are soldiers' bonuses and Federal service old age pensions also charity? Their recipients do not contribute. Yet they are neither given nor received as charity. They are rewards for services, services on the fighting and industrial fronts, services well done and worthy of reward. So are the non-contributory unemployment benefits proposed by the Negative.

The immediate task of the Affirmative, now, is to meet the issues of the Negative. We have proved first, as long as the workers can virtually in no way reduce unemployment, they should not be charged for unemployment insurance. Second, labor is hostile to the British plan. Third, employers should be made to pay for their worker's unemployment. Fourth, this would result in the regularization of industry—the diminution of unemployment. Fifth and last, our plan would be conducive to the democratization of industry. These contentions we have proved from the standpoints of state, employer and employee. We insist that our friends of the Opposition delay not in meeting us on these issues.

SECOND NEGATIVE REBUTTAL

Howard Wilson, Chicago

Ladies and Gentlemen: As this debate progresses it becomes more and more apparent that our friends of the Affirmative would have us believe that every possible system of unemployment benefits, including the one the Negative advocates, is but

a variation of the British system. Without going into the realm of mere details, allow me to quote from a book, Unemployment Insurance by Mr. Chiozza-Money, a member of Parliament at the time of the adoption of the British system, page 317.

The principle of unemployment insurance as we are adopting it in the United Kingdom, is to establish an unemployment insurance fund, fed *by employers, employed, and the state,* out of which benefit may be forthcoming to succour the victims of an irregularity.

This is the principle of the British system as stated by an advocate of that system and one of its adopters. Now, it is true that that system has a clause which provides that an industry may "contract out" of these provisions, but nowhere in the law does it say that any system of unemployment insurance adopted by a contracting out party is a part of the British system.

The Affirmative has justified the tax upon labor by saying that such a tax provides an incentive for labor to act toward the prevention of unemployment. It isn't logical to place upon labor an incentive to do something it can't do. That is as absurd as to place upon me an incentive to find the pot of gold at the end of the rainbow. I can't do that; under present conditions labor can't prevent unemployment. And even if it could, the incentive to do so is forever present in the very fact that the laborer is a breadwinner. With the misery of his family, with destitution and perhaps even starvation staring him in the face, the laborer is under an incentive to prevent unemployment far greater than a financial one. If the laborer could prevent unemployment he would do so without the pressure of a direct financial tax upon him.

Last of all, the gentlemen of the Opposition would have you believe that the Negative system is but a variation of the British system. The common features of the two systems are greatly overshadowed by differences—differences of fundamental importance reaching far into the roots of our industrial system.

First, consider the position of the state. The British system makes the state contribute to an insurance fund; the Negative system relieves the state of that and substitutes entire administrative responsibility. Being entirely responsible for and being the direct, sole beneficiary from any improvements in adminis-

tration, the state will effect those improvements as it would never do were it only one of a number of interested parties.

Second, the British system is organized on a national basis; the Negative system on a plant basis. The Negative system would relieve the employer of responsibility for unemployment immediately and proportionately as he effected it; the British system would not relieve him until the entire nation had acted in a similar manner. Also, when the individual employer admits workers to a share in the policy making of his plant, that instant would the Negative system have the worker assume with the employer the responsibility for unemployment. This it is that will work for democracy in industry.

Third, the Negative system would relieve the worker of the unjust tax imposed upon him by the British system, because such a tax engenders the opposition of labor, works to the defeat of its own ends, militates against adequate prevention, is unnecessary, and is unjust.

These are the fundamental differences which, with their ramifications, constitute the Negative plan one radically different from the British plan. These are the points upon which we demand the Affirmative meet us.

THIRD NEGATIVE REBUTTAL

Stanley C. H. Turnquist, Chicago

Ladies and Gentlemen: After having listened to the eloquence of the Northwestern speakers, one might, especially if one is not acquainted with conditions in England, be inclined to think that the British system has proven a remarkable success. But in England there are fifteen hundred thousand unemployed today. Within the past year enough people to fill a good sized city have emigrated from their mother country to Australia, having lost all hope of conditions being remedied for some years to come. Only a few weeks ago in London an army of unemployed marched in a solemn procession past a monument dedicated to the heroic dead of the late war, meaning to show thereby that their situation had rendered them less fortunate than those who had gone down to an early grave. That is the situation in England, and the British system, inadequate and inequitable as it is, cannot cope with the demands. Let me

again repeat that the Labour Party, owing to its opposition to the British system, was the great factor in overthrowing the late Lloyd George Ministry. Our Opponents would have you believe that our remedy is found in the British system. Nothing can be farther from the truth than this. Why did the labor forces in Parliament demand that the workers be exempted from the tax for unemployment? Why should labor have been so opposed to the plan as to unite in overthrowing the Lloyd George Ministry? The provision quoted by the gentlemen whereby the workers do not need to contribute to the unemployment fund is a case of *voluntary* cooperation and would apply to only a hundred thousand men at the most. Our plan is *compulsory.* It would compel the employer to relieve the worker from the cause of unemployment and would apply to thirty million working men in the United States. These clear and express facts must be reconciled with their assertions if our Opponents are to establish their case.

The first speaker of Northwestern was right when he said that a large labor reserve is inherent in our industrial organization. We would ask them, then, is not a method of contributions from employers the most just and economical means for the proper maintenance of the labor reserve? On the other hand, the labor reserve is often larger than it need be, due to the negligence and inefficiency of many employers; it is further augmented by a desire on the part of employers for lower wages. While the country has hardly recovered from the unemployment crisis of a year ago, Judge Gary, president of the United States Steel Corporation, and others are planning on a determined drive to relax the present immigration law on the ground that there is a shortage of common labor in the United States. They want cheap labor. That can only be had by an excessive labor supply. That creates unemployment. Those who create such a condition should pay for it.

There is no injustice in placing the cause of unemployment on the employer. We do not say that he can compel the Lord to send down rain, nor do we hold him responsible for the Russian Revolution. Famines, pestilences, revolutions and such abnormalities are rare, and not the ordinary causes of unemployment. These are extraordinary elements of risk; but who accepts the profits for risks in our industrial organization? The entrepreneur

accepts profits on the ground that he is the risk-bearer. Should he not accept the risk of unemployment?

We are told that employers, enmass, so to speak, will oppose our plan. Our friends are not at all original in their contentions. Why, that has been the stock argument against every plan for the amelioration and betterment of the conditions of workers. Of course a large proportion of employers, whether causing unemployment willfully to boost prices, or causing it thru carelessness and inefficiency will oppose our plan. They opposed workman's compensation laws, minimum wage legislation for sweated industries, and they are opposing child labor laws today.

In conclusion, we reiterate our objections to the British system, objections over which there can be no compromise as their justification is based on principle as well as expediency. We object to the British system because it taxes the worker for the evils of unemployment when he has done nothing to create them, and under present conditions is powerless to prevent unemployment; we object further because it does not provide the incentive necessary to preventable unemployment. Our plan meets both of these objections because it relieves the worker from assuming the burden of unemployment till he can in part control unemployment by representation in management; second, it provides the indispensable requisite for employers of a chance to reduce the financial pressure needed to secure the widespread regularization of industry. The whole trend of opinion in the United States and England is for our plan. Statesmen, economists, and social workers alike are in substance for the remedy that we are recommending tonight. The Huber Bill before the Wisconsin Legislature is but the precursor of future measures to come. Our plan is the most equitable to both workers and employers; it is the most adequate, practical and sound measure yet proposed. A system based upon these principles instead of the British system should be adopted in the United States.

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CHAPTER II

SOLDIERS' BONUS

SWARTHMORE COLLEGE

versus

NEW YORK UNIVERSITY

RESOLVED: *That Congress should pass the adjusted compensation bill.*

This is a stenographic report of a debate between representatives of Swarthmore College and New York University, held at New York University March 2, 1923. The debate was conducted on the open forum or parliamentary plan, which is somewhat of a new venture in American intercollegiate debating. The aim was not a contest between schools, nor the winning of a technical decision, but a discussion of the question solely upon its merits. Each institution furnished one debater upon each side of the question. There were no judges. At the close of the speeches a two-minute open discussion was held from the floor. Swarthmore College, which introduced the English style of debating, held all but one of its debates this year on this plan, and expects hereafter to follow the open forum plan entirely. This report was secured thru the courtesy of Mr. Guy W. Davis, Manager of the Debate Board, Swarthmore College.

BRIEF

SOLDIERS' BONUS

AFFIRMATIVE

INTRODUCTION:

A. One of the unsettled problems of readjustment is that of adjusted compensation for the sacrifices made by the soldiers during the war.

B. The adjusted compensation bill has received much favorable consideration.

1. The majority of the people favor it.
2. It has the approval of President Harding and Congress except for the problem of financing it.

C. The Affirmative hold that the bill should be passed on its own merits and after its passage the means should be found of financing it.

1. This was the procedure with other war measures.

I. The country can afford to pay adjusted compensation.

A. The cost would not be excessive.

1. Would be practically $3,500,000,000 or $4,500,000,000.
2. The first three years it would be approximately $77,000,000, $92,000,000 and $73,000,000.

B. Its payment in any one year would not affect us.

1. From 1919 to 1922 we have paid various sums totaling over $7,055,000,000 for such items as war debts, short time obligations, charity for Russia, good roads, railroads, and ship subsidy.
2. Our country is not in financial need.
   a. Our bank reserves are enormous.

C. Other countries have dealt more generously with their ex-service men.

1. We have a smaller debt in percentage of wealth than France, Great Britain, and Canada.

2. Canada gave her soldiers of three years or over in the service $70-$100 a month for six months, free medical attention for one year with $45-$86 a month, insurance, vocational training, and special privileges in civil service.

II. The bill is just.

A. It is an attempt to equalize the losses of the soldiers during the war.

1. The heavier cost to us of keeping soldiers in the field was not due to benefits received by the soldiers, but to war profiteers, civil employees, and war contractors.

2. It is just that the stay-at-homes should bear their share.

a. They lived in comfort, earned large salaries, secured the soldiers jobs, while the soldiers gave up everything, received insignificant pay, and are obligated to help pay the debts contracted by those at home.

b. The war was just as much their cause as the soldiers.

B. The compensation is due the soldiers.

1. They saved our government $5,000,000,000 to $6,000,000,000, for

a. They brought the war to a close six to eight months earlier than expected.

2. It is neither a pension nor charity.

3. The soldiers are asking it.

a. Thru the American Legion and the American Disabled Veteran's Bureau.

III. The proposed adjusted compensation bill is good.

A. Its provisions are the result of two years' consideration by Congress. They offer

1. One dollar to $1.25 a day for each day's service at home or overseas.

2. Four options:

a. A twenty-year insurance policy with loan privilege.

b. Vocational training.

c. Compensation for the purchase of farm land or a city home.
d. Preferential rights upon opening of public lands, Indian lands or reclamation projects.

B. There has been widespread public approval. Those approving it are
1. The American people.
2. The legislatures of twenty-two states and the governors of thirty-two.
3. The majority of those responding to the Literary Digest poll.
4. Three million petitioners, to Congress.
5. The American Federation of Labor.
6. Soldiers organizations, such as the American Legion, Veterans of Foreign Wars, and Disabled Veterans.
7. Congress.
a. The original measure was passed by a majority of four to one in both houses.
b. The House over-ruled the presidential veto by five to one, and the Senate sustained it by only four votes.

C. The objections urged are not well founded.
1. The lack of provision for revenue.
a. This can be met by inclusion of a revenue clause in a new bill.
b. Many feel it is not necessary.
2. Conditions today do not substantiate the fear of financial calamity to the country.
a. Estimated cost would be only $4,000,000,000 or $5,000,000,000.
(1) Many disagree with that estimate.
(2) The bulk of the debt will not be due before 1934.
(3) It would mean an approximate expenditure of only about $50,000,000 yearly.
b. No special system of taxation would be necessary.
(1) Congress levied none to pay Federal employees, the railroads, and war contractors.

c. Our resources and population will enable us to pay the debt.
d. Canada, England, Italy, Belgium, and France have all found it possible to make adjustments to their soldiers.

D. The time is now favorable for adjusted compensation.
1. We are on the way to normalcy.
a. Business is booming.
b. Stocks, bonds, and liberty bonds have risen or are at par.
c. The public debt has been reduced by $3,000,000,000.
2. The foreign loans are on the way to settlement.
a. The terms of Great Britain's debt are settled.

E. The principle and practice of adjusted compensation is not new to the United States.
1. It has been recognized by the Federal government in payments to the railroads, to war contractors, and to federal employees.

F. The lack of an exact criterion and the lapse of four years should not prevent our making an approximate adjustment.
1. The obligation to the soldier is a debt of honor.

NEGATIVE

I. There is no need for this measure.
A. The government is already giving ample aid.
1. The Veterans Bureau helps all in need of it.
a. It provides medical attention, hospital service, pays insurance, provides vocational training with pay allowance.
b. Allowances of $100 to $200 are given, according to marital state, family, and amount of disability.
c. Every man of 10 per cent disability is given Federal aid until completely rehabilitated, and a life pension of approximately $100 a month.
d. Approximately $700,000,000 a year is spent by the bureau on the men.

2. There is no need of aid for the others.
   a. They have been working five years.

B. Forty-five states have passed legislation to aid soldiers.
   1. They have provided $200,000,000 in cash bonuses, and $450,000,000 in other forms of aid.

C. There is no basis on which to adjust compensation.
   1. Every soldier would not necessarily have become wealthy had he not gone to war.
      a. Thousands lost all they possessed.
      b. There were more failures and bankruptcies in the period immediately following the war than ever before.
   2. Soldiers' compensation should not be adjusted to that of profiteers.
      a. Compensated patriotism is a reversal of policy.
      b. If we compensate soldiers we ought also to pay Red Cross workers.

D. The United States leads all the other countries in the aid given to soldiers.
   1. Paid soldiers $30-$33 a month as against England's $7.30, France's $1.45, and Italy's $1.50 a month.
   2. Paid $60 bonus when discharged.
   3. The annual pension to permanently disabled veterans is five times greater than in either England or France.
   4. The allowance for benefit of family is $100 more in the United States than the combined allowance per man of England, France, and Italy.

II. The proposed bill fails to provide substantial aid for any class of veterans.

A. The 10 per cent of the men who would receive $50 or less, would receive payment for which there is absolutely no need.
   1. They were in service less than fifty days and were scarcely inconvenienced.

B. The men would not take advantage of vocational training.
   1. They have been home and at work for five years.
   2. The Veteran's Bureau has already provided it.

3. Not more than 2½ per cent are expected to choose it.

C. The certificate of insurance is unsatisfactory.
   1. The money is not payable for twenty years.
      a. Seventy-five per cent of the men are expected to choose this option.
      b. It is an admission there is absolutely no need for Federal aid.
   2. The loan provision is a recognition of the inability of the government to spend any money.
      a. Loans can be secured for only half the value of a certificate, thru banks, for a period of three years, and at an enormous interest.
      b. Comptroller of Currency, Crissinger has recommended that no bank discount these, characterizing them as frozen credits.

D. The bill is otherwise deficient.
   1. It fails in regard to age, training, earning capacity, number of dependents of each man, whether healthy and strong, or weak and disabled, and means to finance it.

III. It is fundamentally a bonus bill, not adjusted compensation.
   A. The men were paid the amount promised them.
   B. The bill exempts many who served but received less pay than the soldiers.
      1. Many men in government service, civilian officers or employees of the military service, contract surgeons, West Point cadets, midshipmen, members of the Reserve Officers' Training Corps and Student Army Training Corps, cadets of the coast guard, members of the Public Health Service, the insular force of the navy, and many others.
   C. It discriminates against a soldier who served for small pay on this side of the ocean.
   D. It arbitrarily adds a 40 per cent gratuity.

IV. Great harm will follow if the measure is passed.
   A. The cost would be tremendous.
      1. No one knows what it will cost.
         a. It is impossible to tell how many men will choose each plan.

b. Secretary Mellon has put it at about five and one-half billion.
c. Senator McCumber estimates it at $4,396,000,000.

B. It would be difficult to meet the expense.
1. We cannot use the foreign debts to pay it.
a. What we receive from England, and millions more, is pledged on our Victory Loan.
b. The other foreign debts are not being paid.
2. No sales tax or other new tax has been provided.
3. The income tax and other taxes are already a great burden.
4. Every tax comes back to industry and the people.
a. Even the income tax, appearing to bear most heavily upon the rich, comes out of industry as the rich put their funds into tax-exempt securities.

C. We should not pay a bonus at this time.
1. Should not suffer the setback in our progress it would bring about.
2. That we are wealthier than other countries is no justification for sinking to their level.

SOLDIERS' BONUS

SWARTHMORE COLLEGE

versus

NEW YORK UNIVERSITY

FIRST AFFIRMATIVE

Carl F. Knauer, Swarthmore

LADIES AND GENTLEMEN: I first wish to extend to the debaters of New York University and to their friends the greetings of Swarthmore College and I hope these debates may be continued in future years.

It was not so very long ago that the United States entered into the war, and many of our men enlisted and many of them were drafted. These men went away and gave up everything they had. They brought the war to a close earlier than we had expected. They brought victory to our Allies and they brought victory to us.

Since the close of the war we have endeavored to make readjustments and this has been done rapidly but however there is one readjustment which we have failed to make and that is the adjusted compensation for our veterans.

Before entering into this discussion I would like to make this distinction, that this is not a bonus bill, it is not something above and beyond what is rightfully due, but it is something which they justly deserve—it is adjusted compensation.

The majority of the people are in favor of the bonus or rather adjusted compensation. President Harding is in favor of it, our Congress is in favor of it. This was first brought out in President Harding's speech before Congress when he said that he was in favor of adjusted compensation but we should wait until we were able to make that bill effective, and he added to that that we should put in or add to this bill the means of financing it.

Now our Congress is in favor of the bill but they can't see their way clear to add this means of financing the bill.

Ladies and Gentlemen, this is a war measure just the same as any other war measure produced during the war and therefore it should be considered as such. When other war measures were brought up they were passed upon their merits alone and they did not have attached to them the means of financing, and therefore it is unjust to attach to this bill any means of financing the bill. It should be passed upon its own merits and then after passage of the bill they should discuss and pass means of financing it.

According to Senator McCumber of North Dakota, this bill would cost the government practically $4,500,000,000 on the outside, or a fair estimate would be $3,500,000,000. And during the first three years when we need money the worst and credit is the tightest, in 1923 the amount would be approximately $77,000,000, in 1924 about $92,000,000 and in 1925 about $73,000,000.

In considering this question we can't take as a basis for our consideration the report of Secretary Mellon, Secretary of the Treasury, because his report was given in 1921 and in considering this question we must consider the country today and not the country in 1921.

Let us see what we have done since 1919 up to 1922. First of all, we paid $3,000,000,000 off on our war debts. Now would it make a particle of difference to us if we had only paid back $2,700,000,000? In addition to that, we paid off $1,000,000,000 on short time obligations and our expenditures for one year include such items as $20,000,000 for charity in Russia, $115,000,000 for good roads, from $200,000,000 to $300,000,000 for railroads and $20,000,000 for ship subsidy.

Now do you mean to tell me that with an additional $78,000,000 in any one year that this would cause an earthquake? Our country is not in financial need, there is no financial stress. There are $40,000,000,000 in our banks which was brought out by the Sunday Post of June 4th 1922 and according to a report of the Federal Reserve Board there are $25,000,000,000 in our banks, $25,000,000,000 of unused credit and in our savings funds and in our trust companies there are $40,000,000,000 of unused credit. Now would $78,000,000 affect us in the least?

Let us consider what other countries have done for their service men and in considering that I would like to present the debt in percentage of wealth of the various countries who are our Allies.

First of all is the United States, whose percentage is 11.7, then comes France with 94.4, then the United Kingdom with 52.2 and Canada with 20.1 This means that we owe 11.7 per cent of every dollar of the national wealth, and it also means that France owes 94.4 per cent of every dollar of her national wealth.

Let us consider what Canada has done for her soldiers. Every soldier in Canada who has spent three years or over in the service and who has no dependents received $70 a month for six months and men with dependents received $100 a month for six months. But that is not all. In addition to that they gave them free medical attention, free medical service for one year. While they were receiving this medical attention the men with dependents received $86 a month and the men without dependents received $45 a month. And still further, they gave them insurance and they gave them vocational training and they gave them special privileges in civil service.

We have seen that our country has the money; that they are able to pay this obligation. It remains now to see whether they will do the just thing and pay these veterans their compensation.

This country bore a great expense in the war and we should consider the justice of this appeal of the American soldier and what right he has to make this appeal. It is difficult for us to realize that the war cost us in one year more than it cost France in four and a half years and France employed three times as many men as we did. In addition to that, our troops were transported mostly by British vessels and our men supplied mostly from French and British stores. In addition to that it cost us four times as much to keep a man in the field as it did Great Britain and six times as much as it did France and ten times as much as it did Italy.

We are able to pay this compensation. Where did this money go? This difference in expense was not solely due to the fact that the American soldier received a greater wage, greater pay, than those soldiers of the other countries; it is not due to the fact that he received better rations, but it is really due to our war profiteers.

Building during the period of the war cost five times as much

as it should and the cause of that was that at one time there was only about one-third of the men working and because of the fact that they padded payrolls. It is hard for us to realize that during the time of the war, when we were in our worst danger, that one of the rivetting gangs in our shipyards, which had been making $5 a day and setting four hundred rivets, received a pay of $14 a day and set fifty-one rivets.

And it is difficult for us to realize that our civil employees with a salary of $2500 or less received every year a bonus of $240. But this bonus was not discontinued at the close of the war. This bonus was still being paid three and a half years after the war was brought to a close.

Then hardly before the ink was dry on the armistice, our war contractors presented bills for contracts not completed and Congress appropriated $3,000,000,000 to complete these contracts.

Suppose the men between the ages of eighteen and forty-five receive an average wage of $3 a day. One-fifth of these men are called into service. They leave everything that they have to defend their country and the other four-fifths stay at home and live in comfort. They don't draw $3 a day, they draw $9 a day, and when these soldiers return they find their employment gone, and they find those who have stayed at home have earned $6 a day more than they have, and in addition to that they are forced to pay their portion of that debt which these stay-at-homes created.

The least that these stay-at-homes can do is to pay these soldiers, these veterans, a part of their unlawful gain, enough to meet these obligations that the soldiers did nothing to bring about.

Suppose there were two men working side by side, each man receiving $3; the employer says to one, "You take the rifle and you fight my battle," and to the other he says, "You stay at home and I will pay you $9," and to the other he says, "You will still draw your $3."

But to the one who stayed home he says, "I am not able to pay that $9, I will have to borrow $6 additional, say for a term of four hundred days, which will make a sum of $2,400. And you give me that note for $2,400 and I will pay you the cash."

But in signing that note, what does he do? He doesn't only sign his own name, but he signs the name of his soldier brother. This soldier brother comes home and finds his position gone.

He finds his civilian brother has made $6 more a day than he has and worst of all he finds his name attached to that obligation which he is forced to pay.

And who are the people quibbling about this payment of adjusted compensation? They are the people who doubled and trebled their incomes; they are the people whom you can recollect who stood on the sidewalks waving American flags when the soldiers went away in 1917 and sang "We Can't Do Enough for Our Boys." And then in 1918 when these same boys were coming home their backs were turned and they said, "We can't give them compensation."

You can easily recollect the signs put out by bankers asking for subscriptions for Liberty Loans—signs reading something like this, "Give until it hurts"—and now that sign has changed to "Don't give them a damned cent."

Answer this question: Is not the cause of our country at war just as much the cause of the stay-at-home as the soldier? And if this stay-at-home doubles and trebles his income while the soldier is not allowed, not permitted to take advantage of that condition, is it not fair and just that he should give up enough of his income to help this soldier meet his obligation?

The soldiers know they brought the war to a close from six to eight months earlier than was expected, thereby saving our government $5,000,000,000 to $6,000,000,000. They realize that every country in the world has paid its soldiers a bonus, no matter how poor that country may be. They realize that we possess practically all the gold in the world; they realize while they were away the civil employees were paid $240 a year bonus and they realize that our contractors were paid $3,000,000,000.

Again I say this is not a question of bonus. It is not something above and beyond what is rightfully deserved, but it is something which is rightfully due, something which they have earned and the service men are asking for this compensation, they are not asking for pensions, they are not asking for charity. They are asking for justice.

How do we know they are asking for this? Through the American Legion, the greatest soldier organization, and this American Legion is backed by the American Disabled Veterans Bureau, who through a letter to Senator Ashurst, written by their National Commander, proved to the country that they want their uninjured brothers to receive compensation.

It is a fair bill; it is a just bill—just to the country and just to the soldier, or at least satisfactory to him. We realize that when one person owes a debt to another person, there is a court and the law to decide upon the collection of that debt. But when a country owes a debt, there is no court, there is no law and the decision must rest with the people.

FIRST NEGATIVE

Jack L. Warkow, New York

Ladies and Gentlemen: It seems only reasonable to us to state that the gentleman of the Affirmative in establishing his case proved three fundamentally important points: First, that there is an absolute need for the legislation they propose; second, that if there is this need that legislation would remedy it; and third, that the cost involved can be raised by our government without any increase in our present tax burden.

We of the Negative wish to make our position clear at the outset. We maintain that every soldier in need of aid should be given it. However, we say that those men who are in need of aid are receiving it, and therefore there is no necessity for this measure.

There is today an organization in the United States, the greatest of its kind in the world, which is taking care of every veteran in need. I refer to the Veterans Bureau of the United States. This bureau provides medical attention, hospitalization for ex-service men, it pays their insurance, provides vocational training for them in shops, colleges and offices, and makes them a regular pay allowance while being fitted to earn.

These allowances run from $100 for a single man to $200 for a married man and are graduated according to the size of the family and the amount of disability. This is actually a life pension and with free tuition, here at New York University, it amounts to $300 per month. There is the Committee on Rehabilitation, which provides that every man who receives a 10 per cent disability should be given Federal aid until completely rehabilitated, and a life pension of approximately $100 per month.

The Veterans Bureau spends approximately $700,000,000 a year on these men. Now what does this expense mean? It means that those men who did the most for our country, those

men who are most likely to be in need of aid, are receiving it, and we maintain that they are the only men who should receive it.

We do not begrudge these noble men this aid. Instead we say that our disabled veterans deserve even more. But we of the Negative fail to see why the other two and one-half million men who never reached France, who have been working for five years, should be in the need of aid today, and why or how this bill could provide aid for them. We maintain that there is absolutely no need for this bill. And we consider, Ladies and Gentlemen, that only Alabama, Georgia and Mississippi have not yet passed legislation aiding veterans. In New York state there was a constitutional amendment submitted to the people providing for a $45,000,000 bond issue. When you consider, Ladies and Gentlemen, that forty-five states of the union, according to the nation wide survey made by the national banks, forty-five states out of forty-eight in the union have already passed legislation which provides for these soldiers cash bonuses, adjusted compensation, free vocational training, life insurance, when you consider that these states have already provided for $200,000,000 in cash bonuses, $450,000,000 in other forms of aid, we fail to see how any man who is in need today is not getting it.

In view of all this, do you think there is any need for any further compensatory measure? The gentleman of the Affirmative has emphasized the fact that he advocates adjusted compensation. To what are they adjusting this compensation? They assume that every soldier would have become a millionaire had he not gone to war. They forget that thousands and millions lost all they possessed; they forget that never in the history of the country were there more failures or bankruptcies than during the period immediately following our war.

They propose to adjust the soldiers' compensation to that of the profiteers. In other words, they propose to make profiteers out of our heroes and they call this justice. They claim that upon such justice we ought to pay the bonus of the soldier, that we ought to pay him for this injury of his peace of mind.

Ladies and Gentlemen, we appeal to a sense of justice, a different kind of justice, justice to our country. Do you think it right that our obligations should be or can be melted down to

dollars and cents? Do you believe that patriotism can be measured by dollars and cents?

When Abraham Lincoln was asked by a Congressman whether he was in favor of rewarding the northern soldiers, he replied, "This is a great republic, and if it lives it is to live upon the unpaid patriotism of its sons. I protest against setting any example for future time of seeking to set a money value upon these services."

President Harding in vetoing the adjusted compensation bill upheld that noble precedent of Lincoln when he said in his veto message, "A peace bestowal on the ex-service man as though the supreme offering is to be paid for with cash is a perversion of public funds, a reversal of the policy which impelled patriotic service in the past and suggests that future defense is to be inspired by compensation rather than consciousness of duty to flag and country."

Ladies and Gentlemen, if we are to pay our soldiers like so many hired Hessians, perhaps we ought to pay the Red Cross workers like so many shop workers. What a noble thing is compensated patriotism.

The gentleman of the Affirmative claims that since England, France and Italy have paid their soldiers bonuses, the United States should pay her soldiers bonuses. He forgot to tell that England paid her soldiers $7.30 per month, France paid her soldiers $1.45 per month, and Italy $1.50 per month, whereas the United States paid her soldiers $30 per month for home service and $33 for overseas service and a $60 cash bonus when discharged.

They further forgot to mention that an annual pension is paid to permanently disabled veterans and that this is five times greater in the United States per year than in either England or France, and thirty times greater than in Italy, also that the allowance per man for the benefit of his family is $100 more in the United States than the combined allowance per man of England, France and Italy.

In view of these facts, does it seem to you that our United States is backward in aiding her veterans? We lead all the other countries. We maintain that the United States has done and is doing all that she possibly can do for her ex-service men.

Now assuming, for the sake of argument, that there is a

need for this compensatory measure, let us see whether this bill will remedy the need.

The bill provides a basis of $1 for each day's service with a maximum of $500. That is for service in this country. It provides $1.25 for overseas service with a maximum of $625. Let us consider the most important first.

A cash payment is given where the amount is not more than $50. That means that the man who was not in the service for fifty days, the man who was hardly inconvenienced and has absolutely no need for aid, is to receive $50 in cash in order to have a good time. Ten per cent of the men come under this provision.

Second, the bill provides vocational training on the basis of $1.75 for each day's attendance at school. This option is offered five years after the men are back home and at work and when the Veterans Bureau has already provided vocational training. Do the gentlemen of the Affirmative expect that the men will flock to learn a new trade five years after they have been working at a trade?

Senator McCumber, the leading advocate of the bill, admits that at most not more than 2½ per cent of the men are expected to choose this option.

A third option provides for a certificate of insurance for the amount of service credit of the soldier plus 25 per cent, this certificate to be due in twenty years from date and to draw interest at 4½ per cent compounded annually. This provision Senator McCumber expects 75 per cent of the men to choose. Now, what does this mean?

If 75 per cent of the men choose that option, can 75 per cent of the men sit back and wait twenty years to be paid a few hundred dollars? Certainly, that is evidence in itself that there is absolutely no need for this measure.

Under this option it provides that the holder of a certificate may secure a loan on it, but this loan is to be made only by banks and is limited to 50 per cent of the value of the certificate and must be repaid to the bank at the end of three years. The bank is permitted to charge a rate of interest of 2 per cent higher than the prevailing rate of discount on the Federal Reserve Bank. That means that a bank can charge anywhere from 5 per cent to 10 per cent interest on this loan. What does this provision indicate? In the words of President Harding,

"The bill takes cognizance of the inability of the government and says in substance, 'We do not have the cash, we do not believe in the tax levy to meet the situation, but here is our note; you may have our credit for half of its worth.'" Add to this the statement of Comptroller of Currency, Crissinger, who supervises or has control over all national banks, that all loans made by the banks would be frozen credits, and he strongly recommends that no bank discount these certificates.

The bill is well characterized by Representative Kitchin of the Ways and Means Committee, as a due bill or a rain check or a mode of borrowing money which is an insult to every World War veteran. The veteran is given a scrap of paper and told to go out and hawk from bank to bank in the hope of finally securing a little cash upon which he is compelled to pay an enormous rate of interest.

Ladies and Gentlemen, by the certificates the gentlemen of the Affirmative admit that the country at present is in no position to spend any money; and second, that Senator McCumber estimates that 75 per cent of the men will choose this option, so there is absolutely no need for Federal aid.

Furthermore, the bill fails in regard to age, training, earning capacity, number of dependents of each man, whether healthy and strong or weak and disabled, and finally it fails to provide any means of raising revenue from which the payment is to be made.

Now let us examine the financial end of the matter. In the presentation of any bill such as this, it is absolutely necessary to have some definite and desirable means of raising funds to finance the project. The gentleman may say that we can use the funds which we receive from England, but we must not forget that we have already pledged payment not only of those funds but of millions more on our Victory loan which must be met within six years, and if this money is used for any other purpose we shall have to levy taxes to meet this Victory loan.

Ladies and Gentlemen, for a measure which, as we have seen, is actually of no value, for a measure for which there is absolutely no need, shall the American people be burdened with some $4,000,000,000 or $5,000,000,000 in taxes? Is it worth the price? We must not forget that we are spending some $700,000,000 for the care of our disabled war veterans. This is a noble

cause and in no way can the United States show her gratitude to her veterans more than to provide for them in case of want. With such a cause we of the Negative are firmly in accord.

Senator Borah has worked out what the cost to the United States to provide for the disabled would amount to in twenty-five years on the basis of the cost of caring for the Civil War disabled veterans, and the results show that by 1946 we will have expended $75,000,000,000. Surely if such is the case no one can say that the United States will not have done her duty to her veterans.

Ladies and Gentlemen, we are pledged to pay an enormous sum of money to our disabled veterans, and to add to this pledge some $4,000,000,000 or $5,000,000,000, we of the Negative maintain, will mean an increase in undesirable taxation which Congress has tried to avoid in providing this bill, in order to avoid being criticized by the public and at the same time win the favor of the ex-service men.

Chief Justice Taft sums up the situation very well in the Philadelphia Ledger when he says that "the voluntary assumption in critical times as these of an additional and unnecessary load of taxation is foolishness in the extreme, it is politics gone mad."

He further says that "those who favor the bonus expose themselves to the seemingly just charge that they are presenting this bill to secure the favor of the beneficiaries and at the same time the favor of the taxpayers. A means to provide taxation has been included in this proposed bill, but recently the excess profits tax on large corporations has been repealed. Such politics are indeed contemptible, and the majority in each House should do the right and just thing and let the Bonus Bill die."

We of the Negative are opposed to this bill because first, it places an enormous burden of taxation on our people; second, it fails to provide substantial aid for any class of veterans; and lastly, there is no need for any measure of this kind five years after the war.

SECOND AFFIRMATIVE

William H. Kushnick, New York

Ladies and Gentlemen: There is a great deal of misconception regarding the purpose and objects of this adjusted com-

pensation bill which President Harding has vetoed. The opponents of the measure have regarded it in the light of a gratuity or a reward for patriotism, and have attached to it the odium of a gift or bonus.

The Affirmative wishes to point out that the bill is calculated only to equalize as far as practicable the financial losses the soldiers sustained during the war. The Affirmative believes, for the sponsors of the bill, that the sole object is to provide just restitution of that which is honestly and equitably due the ex-service man.

The bill is not an attempt to cheapen patriotism or commercialize the loyalty of Americans. It is a bill designed to fulfill the legal and moral obligations on the part of the United States, to increase the pay of its ex-service men.

The Affirmative believes it is interpreting the question correctly when it contends for an immediate passage of a bill which will have the fundamental principle of adjusted compensation for our defenders in the great war.

When the United States declared war hundreds of thousands of young men left their usual occupations and became a part of our vast military machine. They were given a pay which was trifling and insignificant as compared with what they would have received had they been permitted to remain at home.

When these men returned they found the jobs they held before the war were now occupied by the stay-at-homes. They found likewise that those who were engaged in business had made extraordinary profits while those who were only earning wages were receiving a scale hitherto unheard of. And yet they were mustered out with only $60 in their pockets at a time when business was dead, when industry was paralyzed and when there was nothing for them to do, at a time when $60 could scarcely buy a suit of clothes and an overcoat.

Many of these soldiers were compelled to depend upon their dependents. Have you forgotten that during this distressing period after the war, soldiers in search of a job sold themselves to industry on the auction block in Boston and New York?

The Affirmative could quote instance after instance where the soldier has suffered distinctive, definite, and serious financial loss because of his service in the war. But it is primarily because he alone suffered not only the hardship of war but financial loss, while they who stayed at home suffered no hardships and

accumulated comfortable fortunes, that the Affirmative insists upon the principle of adjusted compensation.

The bill which President Harding vetoed was a legislative expression of that principle. The bill provided for an adjustment at a $1 a day for each day's service in the United States and $1.25 for each day's service overseas. There were four options to the bill. The first one provided that each soldier might accept his compensation by taking a twenty-year paid-up insurance policy. Realizing, however, that some might be in immediate need of money, the bill authorized the extension of loans upon these service certificates as security.

Option number two was directed toward men who were so unfortunate as to be without a profession or trade and provided that they might accept their compensation in the form of vocational training.

Option number three appealed to the family man who possibly desired to own his own farm or his city home and provided that his adjusted compensation be applied to purchasing some farm land or a city home.

Option number four gave the veterans preferential rights upon the opening of all public lands, or Indian lands or reclamation projects.

Those were the provisions of the bill. The Affirmative is not insisting that those provisions are perfect or absolutely sufficient. If any of the opponents of the measure have suggestions which will appeal to Congress and to the people, the Affirmative is ready and willing to accept them, but the Affirmative wishes to point out that that bill was not a piece of hasty legislation. It had been under consideration by Congress for two years and finally with its best features included and its worst features left out, the bill won a tremendous victory whenever the American people had an opportunity to express themselves upon the question. They gave hearty approval of it.

The legislatures of twenty-two states petitioned Congress to enact the legislation; the governors of thirty-two states called upon President Harding to approve the very bill he vetoed.

The Literary Digest took a national poll on the question and despite its own opposition to the bill, was forced to print the glad news that of a million voters, more than a substantial majority had voted for the bill.

Petitions signed by more than three million men had been

received by Congress urging the passage of the bill. President Gompers speaking for the American Federation of Labor, said that the federation was 100 per cent behind the bill. Everywhere there was an intense popular sentiment for the measure.

Soldiers' organizations such as the American Legion, the Veterans of Foreign Wars, and Disabled Veterans, having an enrolled membership of over two and a half million, petitioned Congress to enact the legislation. Congress itself passed the original measure by a majority of four to one in both houses. And in the House, after the bill had been vetoed, the House over-ruled the presidential veto by a majority of five to one. And in the Senate the veto was sustained by a bare margin of only four votes.

Naturally the question is: In view of all this public approval of the bill, why was the bill vetoed by President Harding?

Examining the veto message, we find there were two principal objections to the bill. The first was that the bill failed to include a revenue provision by which the money required would be raised; second, that the burden which was assumed under the obligation would probably result in financial calamity to this country.

The first objection might be immediately removed by the inclusion in a new bill proposed, of a revenue bill. There are lots of people who insist that no such revenue clause is necessary, but is it fair we should fail in our obligations to our soldiers because there is a difference of technical opinion?

If a revenue clause is necessary as the President and the Secretary of the Treasury have pointed out, then let such a provision be included in the new bill. The Affirmative takes no definite stand on any tax plan. It has full confidence in the wisdom of Congress to enact the wisest legislation under any system of taxation, whether the sales tax, the corporation tax, the gasoline tax or any of the other taxes proposed.

Passing now to the second objection, we find that the fear of financial calamity is based upon the estimated cost of the bill which is $4,000,000,000 or $5,000,000,000, but with which many disagree, but even at that cost, since the bulk of the debt will not be due before the expiration of twenty years, under no system of computation could anyone claim that more than $1,000,000,000 would be due before 1943, and that amount

distributed in an average would mean an approximate expenditure of about $50,000,000 yearly.

It is doubtful whether that expenditure would require a special system of taxation for we will remember that Congress levied no special tax in order to raise the $300,000,000 paid to the federal employees as adjusted compensation and $700,000,000 to the railroads and $3,000,000,000 to war contractors.

As for the bulk of the debt which will be due in 1943, surely we must be a very pessimistic nation if we believe that this country with a population of one hundred and ten millions today, (and which will probably be around two hundred millions when the bulk of this debt is paid) will not be able to cope with a debt of $3,000,000,000. Surely we have lost our faith in the mighty resources of this vast undeveloped country if we believe financial calamity will result from the adjusted compensation bill.

When Canada with a tax burden much higher than that of the United States made an adjustment to its soldiers, there was no fear of a national bankruptcy, and when England, Italy and Belgium made substantial adjustments to their soldiers, they were just twice as much in debt as compared to the United States. Even France with a per capita tax rate of over $1,000 was able to make some adjustment to its soldiers, and yet the United States with a per capita debt one-half that of England, one-third that of Italy or Belgium and one-sixth that of France, is faced with financial calamity and national bankruptcy by the passage of an adjusted compensation bill.

Ladies and Gentlemen, it is not fair to ourselves nor to our soldiers that we should for a moment believe the horrible conditions predicted by the opponents of the measure. Conditions today will not substantiate the fear and as for the future, that is always the brightest side.

Business is booming, stocks and bonds have increased billions in value, liberty bonds are at par, the public debt has been reduced by $3,000,000,000—we are safely on the way to normalcy. Surely the time for adjusted compensation is now. Even President Harding back in 1921 suggested it to Congress when he asked it to wait a little while and said, "Would not it be better to await the settlement of our foreign loans?" And now with the terms of Great Britain's debt agreed upon, a debt which constituted nearly one-half of the total allied indebtedness, surely the time is right for the enactment of compensatory legislation.

The principle and practice of adjusted compensation is not a new thing in the United States. It has been recognized by the Federal government in payments to the railroads, to war contractors and to Federal employees.

In conclusion, Ladies and Gentlemen, it is probably true that we shall never be able to make exact adjustment for the serious losses our soldiers and their dependents suffered through service in the war, but is it fair that because we lack an exact criterion that we should refuse to make even an approximate adjustment, or is it fair to say that because four years have elapsed, that time should set itself up as a barrier to the fulfillment of a moral and legal obligation on the part of the United States?

The claim of the soldier is as distinctly a debt today as if it had already been translated into terms of notes and bonds. The obligation to the soldier is not an actual debt but it is a debt in the highest sense, a debt of honor, a debt to which our valiant defenders are justly entitled, under all rules of justice, fair play and a square deal.

SECOND NEGATIVE

C. Norman Stabler, Swarthmore

I am very appreciative of that applause, only I am not sure whether it is because of the announcement on the program that "dancing will follow" my speech, or whether it is because I come from Philadelphia and am therefore somewhat of a curiosity. But I feel handicapped not only because my extraction casts a shadow on the program, but as a Negative speaker you are apt to think that I and my colleague are opposed to any measure which will aid the defenders of our country.

All of us I am sure feel a deep sense of obligation toward our service men—those who stepped into the breach and saved us from the great military power of Germany—and who certainly deserve every consideration.

We are handicapped because of this feeling, for we are apt to come to some hasty conclusion and jump at the first measure that presents itself and say, "That is the thing for our soldiers."

We must guard against letting our sentiments sway our reason. There have been many bonus measures presented in

Congress, and the one called "Adjusted Compensation" is put forward by my Opponents as the one that will do the soldiers the most good.

But we must examine it carefully and see if it is the wisest measure and the best way to reward our men.

First let us consider a point which has been mentioned by both of my Opponents, namely that this is an "adjusted compensation" bill and not a bonus measure. What do we mean by adjusted compensation?

This is a legal high-sounding term which seems to distinguish this measure from the other soldier relief measures. But if we examine it carefully we find that "adjusted compensation" is only a name that camouflages the true nature of this bill, and that it is fundamentally a bonus bill.

You need but to examine it. A bonus is something paid over and above the amount contracted for. Compensation on the other hand is the actual amount contracted for.

Believe what you wish about this bill, you must admit that the soldiers were compensated, or paid the full amount promised them. The pay was small, but putting aside sentiment, we see that they received every penny the government contracted to pay them.

Not only does this fact make it a pure bonus bill, but the bill is so shaped that it excludes many who received the same or even less pay than the soldiers. Section 202 of the bill exempts a great number of men in government service who received low wages. It exempts any civilian officer or employee of the military service not a soldier, the contract surgeons, West Point cadets, midshipmen, members of the Reserve Officers' Training Corps, and Students' Army Training Corps, Cadets of the Coast Guard, members of the Public Health Service, the insular force of the navy, and many others who received, in some cases, less than the soldiers were paid, and who did not amass any great fortunes, although my Opponents would have you believe that everyone who stayed on this side of the ocean suddenly became rich. These men who received less than the soldiers, are not cared for by this bill.

Moreover this bill makes a distinction between a soldier who served on this side and one who crossed the ocean, although the man who got across received more pay during the war. It allows a man who served on this side but $1 of service credit

per day in the service, to $1.25 service credit for the man who crossed the ocean. It thus puts a premium on valor, and pays according to risk run and not according to pay received. We may add to this the fact that after the adjusted service credit has been computed under this bill, the bill arbitrarily adds 40 per cent onto the amount, this addition in itself constituting a bonus.

And so we conclude that despite what one may think of this bill, whether he thinks it just or unjust, he must admit that it is fundamentally a bonus bill and not merely adjusted compensation, as the men were paid the amount promised them, the bill exempts many who served but received less pay than the soldiers, the bill discriminates against a soldier who served for small pay on this side of the ocean, and it arbitrarily adds a 40 per cent gratuity. All of these things make it pure bonus, and take it out of the classification of adjusted compensation.

We have heard the question presented by both the Affirmative and Negative speakers this evening, and they have rightly attacked the problem by considering, first, what the government is doing for the soldiers, second, whether there is a genuine need for this bonus, and third, the very important question of financing this proposed measure, with the probable results.

My colleague has shown you very definitely what the government is doing. I will review it briefly.

Beside the claims for insurance which have been met by the government, and the great amount of medical aid given, I wish to quote from the speech of President Harding on July 12, 1921 before Congress, in which he said "That there were in hospitals that day over twenty-six thousand ex-service men; that even with that large number in the hospitals there were still six thousand beds left for more men if they came to the hospitals and asked for treatment."

President Harding also cited the fact that great progress was being made in building more hospitals to care for any more service men who needed aid. He cited the fact that over $578,000,000 had been paid out for allotments and allowances, and nearly $4,000,000,000 in government insurance.

Vocational training was also well dealt with, as my colleague showed you, and these figures, as you see, show neither greed nor ingratitude. And we feel no ingratitude, though we are opposed to this bill.

Next we must consider the need for this bonus. Is there a need for it in this country today? My colleague has shown you how virtually every state in the Union has allowed these men some money. They received $60 from the government when mustered out. Nor is there a need because of unemployment. There is always, of course, a shifting of labor. But we are faced with no unemployment problem today. The men who left the service have gotten back to work, and been assimilated by society. We do not need to give this amount in order to relieve actual suffering among them.

If there is any individual case in which there is suffering, surely the nation should deal with it, but there is no reason for giving a lump amount to each ex-service man, able-bodied or disabled. To do that would be hit-or-miss philanthropy, and would not relieve the cases where the need exists; it would be giving to the rich as well as the poor, the able-bodied as well as the disabled.

There is more need to stabilize the industries of the country today, to continue the progress which has been so nobly begun, back to a sound financial condition and industrial prosperity.

In considering the question from a financial point of view I wish to point out something which you have probably noticed in this debate tonight, namely that every speaker has found great difficulty in telling you how many millions this bill is going to cost. Why so? Because of the various plans by which the bill proposes to grant bonuses. It is impossible to tell how many men will choose each plan and therefore how much it would cost.

It is impossible for us to write it into our budget in that way, for such a variable amount would upset our whole budget system, and there would be no way of providing for it.

Secretary of the Treasury Mellon put the figure at about $5,500,000,000, in his letter to Senator Frelinghuysen on July 2, 1921. Senator McCumber, an advocate of the bonus, placed it at the most as $4,396,000,000. My Opponent ranged between $3,500,000,000 and $4,500,000,000—only a slight variation of a billion dollars, or an amount equal to between one-third and one-half of the estimated Federal budget for 1924. He admitted he was unable to say how much the bonus measure would cost. The only thing we are all agreed on is that the cost would be tremendous.

I wish to remind you that if it will cost the government that

amount, you may look around for every way of financing it that you like, but after all the expense will come back on you. My Opponents may say, "We will take the foreign debts which are being paid us," but the debts are not being paid us, which is a good reason why we cannot take them.

Nor has the government passed a sales tax, or made any other new departures into the tax field. We have income taxes and countless other levies which are a great burden to the people. Our tax field is very well covered. It is easy to say, "We will lay on another tax," but it is a difficult thing to raise the revenue, and every tax, no matter what it is on, after all comes back to industry and to the people, and handicaps our progress just to that extent. Even the income tax which appears to bear heaviest only on the richest individuals, after all comes out of industry, for those with large incomes put all their funds into tax exempt securities in order to escape taxation, thus taking that same money out of industry. No matter how we raise the amount for this bonus measure, which we all agree would be tremendous, the amount would have to be finally raised by you.

This is something which we cannot pay at this time. We are making great progress, and should not suffer the setback this measure would bring about. My Opponents, by showing you the wealth of this country compared to other countries, put that forward as a justification for raiding the public treasury of this large amount. But the mere fact that we are better off now is no reason for our endangering ourselves and sinking to the level of the other countries. We are better off, and may we continue to progress as we have during the past few years, back to a normal financial basis.

As a matter of fact I know that at least one of my Opponents would not have us sink to the level of the other countries, for I happened to have dinner with him tonight, and he told me he would not swap this country for any other on the map. And so, despite the fact that he has given very interesting statistics showing that this country has apparently not done its duty, I am happy to say that, having a knowledge of the inner secrets of his life, I know that he would rather have things in this country just about the way they are.

I will conclude that it would be a great mistake for Congress to pay this so-called adjusted compensation, which after all is fundamentally a gratuity, a gift, a bonus, first, because as my

colleague and I have endeavored to show you, there is no general need for it in the country, as the government is looking after every individual case of a disabled ex-service man that is brought before it, and second, because the question of financing this bill is one which might stagger our country and place it somewhere near the financial plane of some countries across the water, and third because of the great harm which would follow if such a case ever came about.

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CHAPTER III

COMPULSORY ARBITRATION OF LABOR DISPUTES IN PUBLIC UTILITIES

MICHIGAN AGRICULTURAL COLLEGE

RESOLVED: *That labor disputes in the public utilities should be settled by compulsory arbitration.*

These were the speeches delivered by representatives of Michigan Agricultural College in a triangular debate with Iowa State College and Purdue University. The Affirmative team for Michigan met Iowa, and the Negative team for Michigan met Purdue, on April 6, 1923. In both cases the decision was unanimously in favor of Michigan. The Affirmative team for Michigan held three debates this year, debating two different questions. On May 19 a debate on compulsory arbitration between them and the Michigan Negative team was broadcasted from their wireless station. The Negative team for Michigan made a four thousand mile tour of the east during which they held eight debates, meeting Marquette University, Illinois University, Wilberforce University, Bluffton College, Akron University, Massachusetts State College, and the University of Maine. They debated four different questions on the trip and lost only one. This report was secured thru the courtesy of Mr. J. Walker Milne, Debate Coach of Michigan Agricultural College.

BRIEF

COMPULSORY ARBITRATION OF LABOR DISPUTES IN PUBLIC UTILITIES

Definition of Terms

I. By *compulsory arbitration* is meant the administration of justice in settling labor disputes.

II. *Public utilities* are those industries upon whose continuity of service the life of the nation depends, viz., telegraph, railroads, coal mines, light and gas companies, etc.

Affirmative

Introduction:

A. Public utilities are vital organs of our industrial life.
   1. Our industrial systems today are highly specialized.
   2. Any interference with their continuity of service is a menace.

B. Labor and capital constantly menace their continuity by labor wars.

C. Some method of settling industrial disputes is needed that will not jeopardize their service.

I. Our present system of handling labor disputes in public utilities is completely broken down and a change is necessary.

A. Strikes and lockouts are injurious and unjust.
   1. They are injurious to the laborer.
      a. His losses in wages are enormous.
      b. His family suffers and is deprived of food, clothing, education and the necessities of life.
   2. They are injurious to capital.
      a. Capital's expenses, overhead, depreciation, interest and insurance continue.

b. It is forced to break contracts, cease production and is put to no end of inconvenience and loss.

3. The public suffers.
   a. Intolerable conditions and injustices are entailed in the stoppage of light, communication, industry and transportation.
4. No justice is obtained.
   a. They are resorted to because there is no other method.
   b. The strongest side wins.

B. A change is necessary to safeguard the rights, privileges and welfare of the American people.
   1. Without it strikes are continually occurring, might makes right, and the loss to the nations is enormous.

II. Compulsory arbitration is the next logical step in the growth and development of our present judiciary system and is sound in principle.

A. The development of our industrial courts has been similar to the development of our civil courts.
   1. Civil justice has advanced from the fist fight, duel, feudal war, to impartial tribunals.
   2. Strikes and lockouts correspond to the stage of the duel.
   3. Voluntary arbitration corresponds to the calling in of impartial neighbors to listen to the facts.

B. We now settle all civil disputes by justice and it is the next step to extend this system to industrial disputes.
   1. Compulsory arbitration is an extension of our present judiciary system to the stage where it can be applied to industrial as well as civil disputes.
   2. The courts exemplify the principle of justice by reason.
   3. Arbitration gives protection to all parties.
      a. To labor against the overbearing capitalist.
      b. To capital against strongly organized labor.
      c. To the public against the losses of strikes.

C. Compulsory arbitration is the next logical step, for it is an extension of a long established principle that the government has the right to regulate those industries which are vital to the welfare of the nation.
   1. The government regulates the differences between capital and the public thru the Interstate Commerce Commission.
      a. The regulation of the railroads was successful only after the commission was given full power to enforce its awards.
   2. Thru Public Utilities Commisisons the states regulate public utilities and protect the public from excessive charges.
   3. The Federal Reserve Bank protects the nation from sudden panic.
   4. Prosecuting attorneys protect the public from criminals and outlaws.
   5. Arbitration would extend the power of the government to regulate differences between capital and labor and protect the public from strikes.

D. Compulsory arbitration is sound in principle because it tends to remove the cause of disputes and encourages voluntary and peaceful methods of settlement.
   1. By merely bringing capital and labor together arbitration goes a long way toward settlement.
      a. The parties know the government will settle disputes they cannot settle voluntarily.
      b. In case of unjust demands they would particularly make every effort to settle voluntarily as settlement by the government would give justice.
   2. It removes the cause of disputes by guaranteeing justice to labor.
      a. Gives labor the right to present their demands before an impartial tribunal.
      b. Secures a fundamental American principle, liberty guaranteed by law.

III. Compulsory arbitration is practicable and a suitable plan can be put into operation.
   A. It is practicable.
      1. It has not failed elsewhere.

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a. The few violations do not condemn the whole law.
b. It has not been repealed.
c. It has been working in Australia for nearly thirty years.

2. To condemn our plan of compulsory arbitration by instances of failure under other plans is irrelevant.
   a. Our democratic government cannot be condemned because it did not work under a similar plan in Mexico.
   b. Our Articles of Federation failed, yet our Constitution has been successful.

B. A suitable plan can be put into operation.
   1. The duties of the present Interstate Commerce Commission and the Public Utilities Commissions can be extended to adjust the disputes between capital and labor as they are already adjusting those between capital and the public.
      a. Disputes would go before the commissions by a 50 per cent vote of the employees, or automatically in case of a strike.
   2. No change would be involved other than such extension of the powers of commissions to industrial disputes.
      a. Since extensions would be made by legislative act, the breaking of the law would be a criminal act punishable by the criminal courts.
      b. The enforcement of decisions would be accomplished by our executive system, as today.

C. The proposed plan could be enforced on both capital and labor.
   1. It could be enforced on capital.
      a. Capital has property and is therefore subject to fine.
      b. There would be no difference in the enforcement of wages on capital or in the enforcement of rates.
   2. It could be enforced on labor.
      a. Workmen would see the justice of the decisions and remain at work.

b. Workmen who want to work will remain at work for they will be backed by law.
c. Decisions against labor could be effectively enforced for all workmen would be required to put up a bond.

D. The plan will benefit capital, labor, and the people.
1. It will benefit capital.
a. It will eliminate losses caused by strikes.
2. It will benefit labor.
a. It will give labor a weapon useful at all times.
(1) When labor is plentiful and prices are on a decline the strike is useless and labor is at the mercy of the capitalist.
b. It will give justice in all cases.
c. It will eliminate the need of strike benefit funds, insurance against loss of time, etc.
d. It removes fear of the lockout.
3. It will benefit the public.
a. Will insure the people more continuous service.

Negative

The Negative opposes any scheme of compulsory arbitration, for

I. Compulsory arbitration is wrong in principle.
A. It violates American ideals of individual rights and government methods.
1. It denies workmen freedom of contract and compels involuntary servitude.
a. If the decision goes against them they are compelled to stay on the job and work under distasteful conditions.
2. It denies the employer the right of freedom of contract.
a. He is compelled to run his business whether he wants to or not, to hire men he doesn't want, and to pay wages he believes unjust.
3. It forces the government to enforce the awards regulating men's labor, action deeply repugnant to ir concepts of liberty.

a. This would lead to voluntary inefficiency and sabotage to secure release from an undesirable job.

B. It is economically unsound.

1. It attempts to artifically regulate wages.

a. It is virtually impossible to secure a group of men sufficiently intelligent, unbiased, and with the time to study the various labor problems and hand down a fair wage decision.

b. It is impossible for any group of men to set a fair wage and have it elastic enough to meet fluctuations in prices, changing demands for labor, conditions in different localities, etc.

(1) A fair wage can only be determined by existing economic conditions.

II. Compulsory arbitration is unjust to all concerned.

A. It is unjust to labor.

1. It will either enforce industrial slavery or flood the public utilities with cheap labor.

a. No man may be allowed to quit work whenever he pleases, otherwise all men may quit as individuals if individualy dissatisfied. This would be, in effect, the same as a strike.

b. If men are allowed to quit the system is not compulsory.

c. The same dissatisfaction with work, wages, and conditions and the fear of forfeiting their freedom, will prevent other men of equal standard of living and efficiency from replacing the men who want to quit, and will result in the admittance of men of a lower standard of living.

2. It places labor at an unfair disadvantage to capital.

a. It takes away the strike, labor's only weapon, and forces labor to resort to the boycott, sabotage, inefficiency, stalling.

b. Capital retains the blacklist, thru retaining the right to hire and fire, to discharge men likely to make demands, and the court can't prosecute.

(1) To take away capital's right to hire and fire will make the court an employment bureau swamped with the hiring and firing of public employees.

B. It is unjust to the employer.
   1. It deprives him of the right to run his own business.
      a. The court decides all the contentions that involve and affect the management of industry, and establishes essentially government operation of industry with private investors and employers.
   2. It forces him to assume losses which their labor awards entail.
   3. Capital will either force the government to guarantee a set fair return on private industry, or withdraw to more attractive investments leaving the government to finance it out of its own funds.

C. It is unjust to the public.
   1. An injustice against one-fourth of our population who are a fundamental part of the public is an injustice against the entire citizen body.

III. Compulsory arbitration is impracticable.

A. The plan of union contractual liability proposed by the Affirmative is theoretically and practically unsound.
   1. It cannot be enforced.
      a. Labor unions cannot be held directly responsible for the acts of laborers, for the labor organizations themselves strenuously oppose compulsory arbitration.
   2. The plan has inherent evils which condemn it.
      a. To hold the unions responsible for the acts of all labor in industries will necessitate giving the unions' control over all labor in those industries.
         (1) This means a universal closed shop in these industries
         (2) It compels men to join by law.
         (3) It arms the unions with a weapon that will destroy compulsory arbitration.

B. Compulsory arbitration has been a failure wherever tried.
   1. It has not been a success in eliminating strikes.
      a. In New South Wales strikes increased from two hundred to three hundred the first year.
      b. It failed in Kansas.
         (1) Strikes increased 660 per cent the year after its adoption.
         (2) The increase in the coal mining industry was 880 per cent in 1921 over 1919.
         (3) The court was obliged to call on the militia.
      c. The results would be even more deplorable in more highly industrial states, such as Michigan, Ohio, and New York.
   2. Attempts are now being made to abolish it in South Australia, New South Wales, and Kansas.

COMPULSORY ARBITRATION OF LABOR DISPUTES IN PUBLIC UTILITIES

MICHIGAN AGRICULTURAL COLLEGE

AFFIRMATIVE SPEECHES AGAINST IOWA STATE COLLEGE,

FIRST AFFIRMATIVE

Vergil O. Braun, Michigan Agricultural

MR. CHAIRMAN, HONORABLE JUDGE, WORTHY OPPONENTS, LADIES AND GENTLEMEN: Public utilities are the vital organs of our industrial life, without them we could not exist. In fact our very lives, the life of every man and woman in this audience, depends upon the continuity of service of our public utilities. Since these public utilities are of such vital importance to our very life and welfare, anything that interferes with their continuity of service is a great menace to this country. Today capital and labor with their strikes and lockouts have that power of interference. Years ago when capital and labor were in their infancy, or were one and the same, and when industry was not so highly specialized, the public utilities were not of such great consequence. But today with our highly specialized systems, where all important industries, and our very lives depend upon the public utilities, it is absolutely necessary that they continue to operate. With the growth and specialization of industry, labor and capital too have grown in power, until today they stand out as two towering giants ready to strike and destroy each other. It is their wars that stop the operating of the public utilities and injure your lives.

They have no method to settle their labor disputes except by a strike or lockout. Might makes right. It is our purpose this evening to give to them another method, a better one, a just one, one where justice is rendered by reason.

Years ago America was startled because a Vanderbilt said "The public be damned," but he seems to have no patent on the

phrase, and today the manufacturers with their lockouts and the laborers with their strikes are saying to the public "Be damned." If the public utility be an electric light plant, the people would have to live in darkness, the outlaw would be given full sway, and we would have to debate here this evening with candles. If the strike occur on our railroads, transportation stops, everything stops, the people in the cities starve. If the strike occur in the coal mines, the people freeze. You know too well the terrible results without a further picture of them.

These incidents are all too actual and too vivid to make necessary a recital in detail. The saddest feature of this matter is not that these strikes have actually occurred, but that present day legislation cannot prevent further recurrence of these disasters. Any day, perhaps tomorrow, a dispute over wages may darken the streets, stop communication, paralyze industry and transportation. For this very reason, Ladies and Gentlemen, for these intolerable conditions, these injustices to the people, we are to debate this evening the question, "Resolved: That our labor disputes in public utilities should be settled by compulsory arbitration." By compulsory arbitration we mean the administration of justice in settling our labor disputes in public utilities by the government. In other words, we, the Affirmative, propose to do away with the old barbaric method of strikes and lockouts in settling labor disputes, the method where "might makes right," and put in its place a method where justice is given. The question for debate advocates compulsory arbitration, or the abolition of strikes and lockouts, in public utilities only: the telegraph companies, railroads, coal mines, light and gas companies, etc., those industries upon whose continuity of service the very life of the nation depends.

We have divided this question into its three most important and essential points and will prove to you: first, that our present system of handling labor disputes in public utilities is completely broken down and that a change is necessary; second, that compulsory arbitration is sound in principle and is the next logical step in our judiciary system; and third, that compulsory arbitration is practical.

As first speaker of the Affirmative I will prove to you that our present method of settling labor disputes is completely broken down, and a change is necessary, that a change is necessary in order to safeguard the rights, privileges and welfare of

the American people, for without it strikes and lockouts are continually occurring, might makes right, and the loss to the nation is enormous.

A strike in a public utility as I have shown you is injurious and far reaching. There are three great factors involved as losers and sufferers: labor, capital and the public. Laborers' losses in wages are enormous. In the year 1919 laborers' losses in wages due to strikes amounted to $724,000,000. This means that the laborer's family must suffer; it means that the innocent children must go without food, clothing, education and the necessities of life in case of a strike. Perhaps he is not receiving a just wage; if that be true, give it to him. He is entitled to it. But in the name of justice do not use the strike as a method to secure it. The strike is a menace to the laborer; it causes loss and suffering in every instance; yet today he is forced to use it, this blind method of force and destruction, as it is the only weapon he has. If he obtains more money by the use of it, it is only because he is stronger and more powerful than capital, but this should not be a day of war and strength to settle labor disputes and render justice.

Now not only does labor lose in case of a strike, but so does capital. Their expenses, overhead, depreciation, interest and insurance continue when their shops are closed. They are forced to break contracts, cease production, and are put to no end of inconvenience and loss. Capital's loss due to strikes in 1919 amounted to $1,267,000,000, an amount which, if divided equally, would equal $100 for every family in the United States. Within the past twenty-five years there have been more than three thousand strikes in the coal industry alone. Think of this enormous loss! And after these strikes are over, the stronger wins, might makes right, and there is no justice. In case of a lockout capital's loss is as great as it is in the strike; yet today this is the only weapon capital can resort to. Surely a change is necessary.

A glance at the labor reports will show us the enormous loss and suffering, barbarism and injustice of strikes in public utilities: Railroad strike of 1886 cost the strikers $900,000 and the railroads $3,180,000. Railroad strike of 1887 loss of property by mob $5,000,000. Chicago strike cost railroads $5,358,000 and employees $1,700,000. Telegraphers' strike cost company $909,000 and men $250,000. Coal miners' strike 1894, eleven states

involved, United States troops called out, shooting occurred, dynamite and torture.

I will not read more. How does all this sound to you? It hardly seems possible that in this day and age these disasters are actually occurring. It is high time that we assert ourselves and push these barbaric methods in the background and prevent this horrible loss and waste, this injustice to both capital and labor.

I have shown you how strikes and lockouts are a great menace to capital and labor, and yet how they are forced to use them because they are the only weapons that capital and labor have. Now let us turn our eyes toward the innocent, defenseless public, the one hundred millions of American people who must stand back and suffer while capital and labor carry on their wars of crime and destruction. If it be a coal strike, the public can freeze; if a railroad strike, the public can starve. What happened during our coal strike in 1919? Laborers' demands were five days a week, six hours a day, 60 per cent increase in wages. Loss of wages for November alone was $55,000,000, and six million five hundred thousand work days were lost. Think of this enormous loss. Perhaps the men were not receiving sufficient compensation. Dr. Garfield investigated and found that the laborers' wages should have been raised 14 per cent. Now the gentlemen of the Opposition may say that this is the only way in which they could obtain justice, and if this is true, our present system is certainly and completely broken down. We must have another, and at once, from which to obtain justice. The wheels of industry must run. Must one hundred and ten million of American people submit to all the distress and inconvenience consequent upon failure of fuel supply when the hills are full of coal? This is why the schools were closed in 1919 for lack of fuel, and this is why you, and you, and you, paid twice as much for coal as you should have paid if you were lucky enough to secure it at all. And yet the gentlemen of the Opposition are upholding this very thing. A railroad strike is even worse. Suppose the employees of the railroads that run into New York City should go on a strike. Within one day the babies of New York would starve for want of milk; within three days the people would be without food. Without raw material, industries would have to close their doors. One industry depends upon another and within a week the wheels of industry of half a nation would cease to run.

Starvation, crime and death would take place, and why? Nothing to stop the strike the Negative are upholding.

But let us take a specific case. What happened just last summer in the year 1922? Two of the largest strikes that ever occurred in history and both in public utilities. The coal strike and the railroad strike. This is not theory, Ladies and Gentlemen, but hard cold facts with which you are all familiar. Less than one year ago six hundred thousand miners struck. Seven thousand operators in thirty-one different states were forced to close their mines and cease production. The loss can hardly be measured in dollars and cents. President Harding made personal appeals to both miners and operators. Governors from the various states put in appeals. Hundreds of the wives of miners in need and suffering appealed to the White House. The government could not act and the strike continued. The coal shortage became acute and thousands of industries were forced to close their doors for lack of coal, two hundred right here in our own state. Surely something is needed to stop these awful catastrophes.

Our railroad strike was even worse when July first four hundred thousand men struck, and transportation was hampered, paralyzed. The results are still fresh in your memory: over a million men were thrown out of employment. Perishable goods spoiled in the cars; the fruit growers of the western states lost $50,000 daily. Worse yet, considerable damage was done by the strikers; in New Mexico and California trains were thrown off the track and damaged. And there is nothing, Ladies and Gentlemen, in our present governmental system to prevent these same strikes from occurring again this summer. Surely a change is necessary.

In summary, I have proved to you that our present method of settling labor disputes in public utilities is completely broken down, and that a change is necessary in order to safeguard the rights, privileges and welfare of the American people, for without it strikes and lockouts are continually occurring, might makes right and the loss to the nation is enormous. Labor loses, capital loses, the public loses, all suffer and none obtain justice. My worthy colleagues will take up the argument from here and prove to you: second, that compulsory arbitration is sound in principle and is the next logical step in our judiciary system; and third, that compulsory arbitration is practical.

Before this debate proceeds further this evening, we demand that the gentlemen of the Opposition answer these two fundamental questions: first, do you favor our present governmental regulatory bodies such as the Interstate Commerce Commission and the state Public Utilities Commissions? And second, do you favor our present method of settling labor disputes in public utilities with all the evils I have pointed out to you and if not, just how do you propose to remedy these evils? These two fundamental questions are of vital importance to this debate this evening and we demand that the very next speaker of the Opposition take some stand on them.

Now, Ladies and Gentlemen, these intolerable conditions that I have pointed out to you should not exist in free America today. It is very obvious that our present system is completely broken down, has completely failed. We must have another, and at once, from which to obtain justice and for the settling of labor disputes in public utilities, and prevent this horrible loss and waste to labor, capital, and the public; this injustice, barbarism, and outlawry.

We will now look to the gentlemen of the Opposition for the answer of these two fundamental questions.

SECOND AFFIRMATIVE

Everett R. Bristol, Michigan Agricultural

Mr. Chairman, Honorable Judge, Worthy Opponents, Ladies and Gentlemen: We have asked the gentlemen of the Opposition two questions: first, "Do you favor our present government regulatory bodies such as the Interstate Commerce Commission and the Public Utilities Commissions?" They have promised us their answer to this question later. This question is vital to this debate and we shall expect their next speaker to answer it before he proceeds with his argument. Second, we asked them, "Do you favor the present system of settling labor disputes in the public utilities, and if not, what plan do you propose that will remedy these evils?" As yet they have not dared to answer this question. We demand that the next speaker of the Negative take some definite stand upon this question.

Anything is condemned or appraised by certain standards. You cannot fix the value of anything except by comparing it to something else. When you condemn one thing, virtually you are saying something else is better.

In condemning compulsory arbitration the Negative are saying that something else is better. Either they are saying it is no better than the present system, in which case they must defend the present system, or they are saying that some other plan is better, in which case they must produce that plan so that we can compare it with ours.

They must either justify strikes and lockouts and uphold guerilla warfare and the Herrin massacre where twenty men were shot down in cold blood, or produce some plan that will remedy these evils better than our plan.

So far this evening the Negative have based their entire case upon violations of the laws of compulsory arbitration in Kansas, New Zealand and Australia. Now we could show you how compulsory arbitration has been a success in the same places where the Negative have called it a failure. In Australia, for instance, it was adopted for a trial number of years after which it was adopted permanently. The strange thing is that in every place where the Negative have called it a failure it is still being used. Now if compulsory arbitration were such a dismal failure as the Negative have made out, it certainly would not have been kept for thirty years in New Zealand and twenty years in Australia.

But, success or failure, we do not consider these examples as relevant to this debate for our plan of compulsory arbitration is entirely different. The mere fact that the Articles of Confederation were not a success did not prove that the Constitution of the United States would fail. The principle of democracy was sound and when given a suitable plan it was a success. So will it be with compulsory arbitration.

The first speaker of the Affirmative proved to you that a new system of settling labor disputes in the public utilities is absolutely necessary because the present system has failed to give justice and to protect the public. He has shown you how the country is absolutely dependent upon the public utilities and how a strike in these essential industries is a serious menace to the welfare of the nation. Without some means of settlement of labor disputes in the public utilities the advancement of all industry is seriously impeded.

As second speaker of the Affirmative, I will prove to you our second point—that compulsory arbitration is the next logical

step in the growth and development of our present judiciary system and is sound in principle.

In the first place, Honorable Judge, compulsory arbitration is the next logical step in advancement. There was a time that men settled their differences by force alone. Might made right. The stronger was the winner whether he was fighting for a just cause or not. Men met and fought at a convenient time and settled their disputes on the basis of strength alone. As civilization advanced, men began to recognize the evils and the injustice of this method of settling disputes. They began to call in the neighbors to hear the facts to help settle the differences. But this method proved ineffective, and society finally demanded that disputants settle their differences before an impartial tribunal. Feudal wars, duels and fist fights are no longer tolerated.

Development in industry has been similar. But we are still at the stage of the duel, in that we have that appeal to force exemplified in our relics of barbarism—the strike and the lockout. Voluntary arbitration corresponds to the calling in of impartial neighbors to listen to the facts, but without power of enforcement. Today we have come to the time when society in defence of its own rights and in the light of justice demands that the disputing parties in a labor dispute settle their differences before an impartial tribunal.

Compulsory arbitration is without question simply an extension of our present judiciary system to a position where it could be applied to industrial, as well as civil, disputes. It would take the same place in our public utilities that our civil courts do in the rest of our activities.

Our courts have become long established and no sane person would advocate doing away with them. No one would question the fidelity of our government. Our government is impartial and just. Our whole judiciary system is based upon justice, and since justice is what labor and capital are striving for, it is altogether fitting that the government should settle the disputes. The age of barbarism is past. Today we settle disputes by reason, not by force. It is the principle of justice which we are arguing for tonight—justice to labor, to capital and to the public. We wish the Negative to meet us squarely on this issue.

Clearly what we are arguing for tonight is the principle of justice by reason as against their barbaric principle of "might makes right." Society now recognizes that might never makes

right. We of the Affirmative propose to do away with these barbaric methods of settling labor disputes, by the strike and lockout, and to establish in its place a peaceful method involving reason and rendering justice.

Now we do not want to be misunderstood this evening. We do not propose to take away the laborer's only means of defence without leaving him something better in return. But, Ladies and Gentlemen, the strike does not determine whose cause is just or unjust. It merely determines who is stronger, and this it does at the expense of an innocent third party—the public —who is absolutely dependent upon the public utilities. We propose to take away these expensive and dangerous weapons of labor and capital and give them a just and more civilized method of settling disputes.

Surely capital and labor should not object to arbitration. The only ones who object seriously are those who think that by fighting they can gain more than is just. The case is similar to the abolition of feudal warfare. It was the strong feudalists who objected most seriously. But society demanded that the weak be protected from the strong and feudal warfare was done away with. This is exactly what we are arguing for tonight. We would protect labor from the overbearing capitalist and capital from the strongly organized laborers. At the same time we would protect the public from the terrible losses which come from strikes in the public utilities.

Compulsory arbitration is the next logical step for still another reason. It is an extension of a long established American principle—that the government has the right to regulate those industries which are vital to the welfare of the nation. Senator Poindexter says, "When the people gave Congress the power to regulate commerce, by necessary implication they imposed upon it the duty to protect that commerce." Thus Congress and the legislatures regulate railway rates, fix working hours, and in some cases even fix the price of food. The Interstate Commerce Commission is a good example. It was organized in 1887 with power to regulate commerce but with no power of enforcement. The railroads took advantage of the lack of power of the commission; so in 1906 the Interstate Commerce Commission was given full power to enforce its awards. Since that time it has been an eminent success.

Now here we have an example of a commission failing

when without power of enforcement and successful when given, power to enforce its awards. Thus it is easy to see that any voluntary plan which the Negative may propose this evening must fail simply because of the lack of enforcement. Compulsory arbitration involves this essential feature—the enforcement of justice.

Capital and labor are both highly organized. My colleague has shown you how their wars are injurious to the public. Now we have regulated capital by various compulsory measures. We have the Interstate Commerce Commission which acts as a restraint upon the railroads and holds them to their obligation to the public. We have the Public Utilities Commissions within the states which regulate the public utilities and protect the public from excessive charges. We have our Federal Reserve Bank to protect the nation from sudden panic. And we have our prosecuting attorneys for protection from criminals and outlaws. But we have no established body whose duty it is to protect the public from strikes in the public utilities. Now if it is the duty of the government to protect the public in one case, it certainly is the duty of the government to protect the public in another case.

The Interstate Commerce Commission and the Public Utilities Commissions regulate the differences between capital and the public. We would extend the power of the government to settle differences between capital and labor which, when stated in its proper terms, means protection of the public from strikes and lockouts.

Compulsory arbitration is sound in principle for it tends to remove the cause of the disputes and encourages voluntary and peaceful methods of settlement. Arbitration is a measure of prevention as well as of cure. By merely bringing capital and labor together arbitration goes a long way toward settlement. In the majority of labor disputes the chief difficulty lies in the bringing of the two parties together. Under compulsory arbitration they would be forced to come together; and if they could not settle the matter then, the government would settle it for them. Thus when one party was asking for what they knew to be an unjust demand, they would exert every possible effort to settle the matter voluntarily rather than have the government settle it for them, for they would realize that if the government settled the dispute they would get justice.

Further, our plan removes the cause of the disputes by guaranteeing justice to labor. It gives labor the right to present their demands before an impartial tribunal where they know that justice would be rendered. It secures a fundamental American principal—liberty protected by law. When the Negative attack the justice of arbitration, they are attacking the whole civil court system upon which our government and justice is founded. Give to labor the right to present their demands before an impartial tribunal, guarantee to them the justice which they are lawfully entitled to, and it will become unnecessary for labor to strike.

Now I will summarize briefly what we have proved to you so far this evening. The first speaker showed you how the present system has completely broken down, how the public is at the mercy of labor with their strikes and capital with their lockouts, how a strike in the public utilities seriously impedes all industry, and how a change is absolutely necessary.

As second speaker, I have shown you how compulsory arbitration is the remedy because it is sound in principle and is the next logical step. I have shown you how the development of our industrial courts has been similar to that of our civil courts, how we now settle all civil disputes by justice and how the next step is to settle labor disputes by justice. I have shown you that we already have existing governmental regulatory bodies which protect the public from organized capital and that the next step is to settle differences between capital and labor.

Further, I have shown you that compulsory arbitration tends to remove the cause of the disputes and encourages voluntary and peaceful methods of settlement.

The third speaker of the Affirmative will show you that compulsory arbitration is practicable and that a suitable plan can be put into operation.

THIRD AFFIRMATIVE

Fred M. Johnson. Michigan Agricultural

Mr. Chairman, Honorable Judge, Ladies and Gentlemen: In answer to the first question which our first speaker asked the Negative, "Do you favor these present regulatory bodies such as the Interstate Commerce Commission and the Public Utilities Commissions which settle disputes between capital and the

public," the Negative have answered that they favor these commissions because they are specialists in their work. Friends, that is why we are so firmly convinced that compulsory arbitration will work successfully because we are merely advocating the extension of the duties of the same successful commissions to settle disputes between capital and labor as well as between capital and the public.

The second Negative speaker has answered our second question. "If you do not favor compulsory arbitration as a means of settling these disputes, just what plan would you advocate," by promising us a plan later. Let it be clearly understood that this plan which they are going to advocate must be presented in their next speech as that is their last constructive speech and no new material may be presented in rebuttal. We are very eagerly awaiting any plan which they may present.

The Negative have attempted to condemn compulsory arbitration by citing examples of failure in other places. They would lead you to believe that there is only one side to compulsory arbitration's working in these countries. They have cited a few violations of the law and have condemned the whole law because of these few violations. It would be just as logical to condemn all our laws because they are some violations. Let us read what Justice Henry Higgins of the Supreme Court of Australia has to say, "There have been countless times when industrial disputes seemed to be on the point of breaking forth into great strikes but the court stepped in and settled the disputes to the satisfaction of all concerned." If compulsory arbitration has been such a failure in foreign countries as the Negative would have you believe, why has it not been repealed? It has been working in Australia for nearly thirty years.

But even if it were possible to show that compulsory arbitration has not been as successful as it might have been in these places, it would by no means follow that our plan of compulsory arbitration will not work. It would be just as logical to condemn our democratic government because it did not work under a similar plan in Mexico. Take an example in our own history. The Articles of Confederation failed because they did not have sufficient power of enforcement; yet our present Constitution operating in the same place, under the same conditions, with the same people, and for the same purpose has proved successful. Therefore, let it be clearly understood that com-

pulsory arbitration has not failed in the places cited or it would have been repealed, and that any attempt on the part of the Negative to condemn our plan of compulsory arbitration by citing examples under other plans, may be considered irrelevant.

We believe that a plan of compulsory arbitration can be outlined which will be practicable. It cannot be hoped that any plan which we might advocate will be a panacea. No plan has ever been advocated which is 100 per cent perfect. Even the Constitution of the United States has been amended nineteen times. The Negative may attempt to question some of the minor technical details of our plan but we challenge them to come out and meet us on the main issues of this debate. We are convinced that a plan of compulsory arbitration can be worked out which will reduce the evils of our present system.

There already exists a commission in each state known as the Public Utilities Commission whose duty it is to settle disputes arising between capital and the public. When a question arises over the changing of rates, these commissions have the power to investigate the demands of both parties and to set what they believe to be a fair rate. Moreover, they have the power to enforce these awards upon both parties. A similar commission known as the Interstate Commerce Commission located at Washington has exactly the same powers over public utilities of interstate nature. The following outline would therefore constitute our plan.

First we would recommend the extension of the duties of our present national Interstate Commerce Commission and of our present state Public Utilities Commissions to adjust the disputes between capital and labor as well as the disputes which they are already adjusting, namely those between capital and the public. Let us take an example to show just how such a plan would operate. When a dispute arises between capital and labor it is possible under our plan for a 50 per cent vote of the employees to bring the dispute before the commissions. After thorough investigation, these commissions render a decision based on justice to both parties. If however, a few men should attempt a strike, the dispute would automatically go the commissions for settlement and the attempted strikers would be punished.

Since however, these extensions would be made and the strike and lockout in public utilities declared unlawful by legis-

lative act, the breaking of this law would be a criminal act and would therefore be punished by our criminal courts. The enforcement of the decisions of these courts would of course be accomplished by our executive system exactly as is done today. The only change would therefore be an extension of the duties of our Interstate Commerce Commission and the Public Utilities Commissions to settle disputes between capital and labor as well as those between capital and the public.

Such a plan as we have outlined could be enforced on both capital and labor. It could enforce its decisions on capital because capital has property and therefore would be subject to fine. There would be no difference in the enforcement of the wages on capital than in the enforcement of the rates. Now in enforcing the decisions on labor, since labor has no property, we would require a bond from labor in these public utilities, a plan which is used on mail clerks and bank employees today. Such a plan would therefore prove just as effective on labor as the enforcement of the decisions of the same commission is effective on capital today.

In the first place a great many of the workmen would see the justice of these decisions and would therefore remain at work. They know that an impartial commission has investigated both sides of the dispute and has rendered a decision based on justice. Moreover the agitation and rowdyness which accompanies the strike and prevents men who really want to work from working would be eliminated. Since the men who want to work know that they are backed by the laws of the United States, they will remain at work. Now in case there are some men who are so pernicious and so unlawful as to attempt a strike, we have required a bond from each of the employees as a means of enforcing the decisions on labor. Our plan would therefore be just as effective on labor as on capital. Our plan as has been outlined is practicable because it is operated by agents who are already successfully performing similar duties.

Just as these commissions today settle the disputes between capital and the public by compulsory arbitration so would they settle the disputes between capital and labor by compulsory arbitration. Just as they investigate the demands of both parties today and render a decision on justice, a thing which the Negative dares not deny, so will they investigate the claims of both parties when labor and capital are involved and render a

decision based on justice. At the present time when investigating capital's cost they must already take into consideration the cost of labor. Since labor is such an important item in the manufactures cost of production and since these commissions already investigate the price of labor, we maintain that it is an injustice to these commissions to throttle their greatest usefulness by denying them the right to arbitrate the question of wages. If it is necessary and just for the Public Utilities Commission and the Interstate Commerce Commission to protect the public against capital's attempting to shut down the industry, then they certainly should have the right to set the wages in order to protect the public against labor's attempting to close down the industry. We would therefore extend the powers of these commissions over wage disputes as well as over rate disputes.

Just as all violations of laws at the present time are considered criminal acts so the violation of this strike and lockout law would be considered a criminal act. If the act of stealing is a criminal act and is punishable by our court system, certainly the intentional and planned interference with the transportation of necessary food to our large cities would be as much a crime. If people joined together with the express purpose of destruction when they can obtain justice, it is certainly obvious that such an act would be as much a crime as the intentional destruction of your property. If the courts punish the offenders of the one law, they certainly have the right to punish the offenders of the other law.

I have outlined a plan of compulsory arbitration and have proved to you that such a plan will be effective on both capital and labor. I shall now show you that our plan will benefit capital, labor and the people.

Compulsory arbitration will benefit capital because it will eliminate the losses caused by the strikes. I shall just mention a few of the strikes which our first speaker described to call to your attention the huge cost of the anthracite coal strike to the public as $124,000,000 and the shopmen's strike as reaching the vast sum of a $150,000,000. Since our plan will eliminate such costly and ineffective methods of settling disputes by substituting justice for power, it is obvious that compulsory arbitration will benefit capital.

But not only will it benefit capital but it will benefit labor.

Under the present system when labor is plentiful and prices are on the decline, labor is at the mercy of the capitalist. The old weapon, the strike, is absolutely useless. Our plan gives labor an instrument which is just as effective at one time as at another and a system which gives justice in all cases. Strike benefit funds, insurance against loss of time, etc. are unnecessary. Moreover, under our present plan when labor is plentiful, the employees are in constant fear of the lockout. They know that their old weapon, the strike, would be absolutely worthless. The lockout is a huge brutal weapon which is continually hanging over them. But under our plan such crude methods of settling disputes would be supplanted by the civil method of obtaining justice.

But our plan not only benefits both capital and labor but it accomplishes that which voluntary means alone fails to do, namely it benefits the public. Under our present plan the people suffer as much if not more than the combatants themselves yet they have no voice in the settlement of the dispute. Our plan of compulsory arbitration by the elimination of the strike and lockout gives the people more continuous service. As our first speaker showed you, continuous service in our public utilities is of vital importance to the people. Since our Public Utilities Commissions and our Interstate Commerce Commission at the present time protect the people from any unjust demands on the part of capital, we are providing a means of protecting the people from the unjust demands of labor. By establishing continuous service, we would therefore protect the public.

In summarizing the Affirmative's case, our first speaker showed you that our present methods of settling disputes are completely broken down and are undeniably incapable of handling the situation. Our second speaker showed you that compulsory arbitration is the next logical step in our judiciary system and that instead of a plan depending upon physical force, our plan is based on justice. I have outlined a plan which although probably no panacea, will put compulsory arbitration into successful operation, because it depends on agents who are already successfully performing similar duties. I showed you that it could be enforced on both capital and labor, and finally I showed you how it would benefit capital, labor, and the public.

I ask you, Honorable Judge, which would you choose, a plan which has completely broken down and proved inadequate to handle the situation, or a plan based on justice which settles disputes by thorough investigation exactly as all other disputes are settled today? Would you choose to let the people suffer under the terrible atrocities caused by such uncivilized and brutal methods of the strike and lockout, or allow the representative of the people, namely the government, to protect you against these terrible dangers as you are protected from all other dangers? If you believe in law and order rather than might makes right, you are already advocates of compulsory arbitration as a means of settling disputes in our public utilities.

FIRST AFFIRMATIVE REBUTTAL

Vergil O. Braun, Michigan Agricultural

Mr. Chairman, Honorable Judge, Worthy Opponents, Ladies and Gentlemen: At last the gentlemen of the Opposition have answered our second question. In my first constructive speech I asked the gentlemen this question, "Do you favor our present method of settling labor disputes in public utilities with all the evils I have pointed out to you, and if not, just how do you propose to remedy these evils?" They answered after much deliberation and thought that they proposed to remedy these evils by giving us a counter solution, and that counter solution, Ladies and Gentlemen, is government operation and ownership. Now in proposing government operation and ownership they have admitted three things: first, that a change in the settling of our labor disputes in public utilities is necessary, else they would not have proposed a change; second, that the government can investigate labor disputes and hand down fair decisions, else they would not have the government do so; and third, they have admitted that the government can enforce these decisions, else they would not have it do so. Now, Ladies and Gentlemen, the admitting of these three fundamentals by the Negative or the proving of these three fundamentals by the Affirmative: first, that a change is necessary; second, that the government can investigate and hand down fair decisions; and third, that the government can enforce these decisions, leads clearly and directly to compulsory arbitration of labor disputes in public utilities and this is the question for debate this evening.

Therefore they are in favor of compulsory arbitration of labor disputes. Now we admit their plan is different from our plan, but it is compulsory arbitration nevertheless.

Their plan involves government operation and ownership and we would object to that plan of compulsory arbitration. I wonder if the Negative realize exactly what their plan—operate and buy all of the public utilities—leads to. Do the gentlemen know that the coal mines of the United States are worth $4,000,000,000, that the railroads of the United States are worth $20,000,000,000, and that the minor public utilities are worth over $15,000,000,000? And do they know that the whole nation's wealth amounts to only $250,000,000,000? Here they are proposing to raise approximately $40,000,000,000, nearly one-sixth of the nation's total wealth and where, we ask them, are they going to get the necessary money and how? How are they going to raise $40,000,000,000 when at a crisis like the World War, we could raise only $4,000,000,000? Now at a time when no one is in favor of the movement, they are proposing to raise ten times that sum. Next, if it were possible to raise this money, which it is not, what kind of bonds are they going to float—taxable or non-taxable? Then, do they propose to buy all of the public utilities or only part of them; if they buy all of them, they are going to buy a lot of public utilities that are in rack and ruin and plunge the nation hopelessly in debt; if they buy only part of them, they are going to have private competition. How will they take care of this? Then too, where and how do they draw the line on what public utilities to buy and what not to buy, between a poor public utility and a good public utility?

After they have decided on how many of the public utilities they are going to buy and how they are going to pay for them, where are they going to secure capable men to operate these public utilities? Four million men to hire and train. They have indeed a hard task. After they secure and train these men, how are they going to settle labor disputes and wages of these men? What kind of machinery are they going to adopt to do this successfully? They say they are against compulsory arbitration; they have condemned the present system. Just what kind of system do they advocate? This, Ladies and Gentlemen, is their plan, complicated in the extreme and a financial failure wherever it has been tried. These are only a few questions

which we would like to have the gentlemen of the Opposition answer in defending their plan. We believe it will take them the greater part of the evening, and when they find answers to these questions we will have just that many more for them to answer. I have shown you how their plan cannot possibly work under government operation and ownership.

Now let us turn to our plan: it stands out as a masterpiece; they have not and cannot find a weakness in it. The first speaker spent his entire time trying to show you how compulsory arbitration had failed in other countries, or other plans of compulsory arbitration had failed. My worthy colleague has already shown you how success or failure of other plans of compulsory arbitration has no bearing on our plan which is different. We want the gentlemen to meet us this evening on our plan of compulsory arbitration. If they wish to debate the Kansas Court or some other plan, we would be very glad to meet them on their issue tomorrow evening, but tonight they must debate our plan. The only place they have attempted to attack our plan is our bond system. They have said, "You can't put the men in prison when they jump their bond." But, Ladies and Gentlemen, we don't propose to do so; if our compulsory law is violated their bond is held as a fine. They seem to think the men are going to give up their bonds or property we create upon them and strike. We would like to ask them, "Does capital today give up its property and go against the decisions of the Interstate Commerce Commission or the State Public Utility Commission?" It does not. This method has proved a success with capital in the public utilities. So too would it prove a success with the laborers.

Now I have shown you that their plan must fail as they cannot possibly put it in successful operation; I have shown you by the questions I have asked them that their plan is entirely too complex and complicated to stand and absolutely impossible to function successfully. I have answered all the points of attack they have made on our plan and have shown you that it stands out as a masterpiece; they cannot tear it down. Now we want them to defend their plan since they have proposed it, and answer the questions we have asked them. We will look to the next speaker to do so.

SECOND AFFIRMATIVE REBUTTAL

Everett R. Bristol, Michigan Agricultural

MR. CHAIRMAN, LADIES AND GENTLEMEN: Our first speaker asked the Negative two questions. First, do you favor our present governmental regulatory bodies such as the Interstate Commerce Commission and the Public Utilities Commissions? This they answered in the affirmative and since our plan is merely to extend the power of these commissions, the Negative have admitted that our organization is sound, that it is just and that it has been a success in the past. It remained merely for us to show that the powers of these successful commissions should be extended and this the Negative have not dared to attack. Instead, they have merely pointed to a few violations of the law under other plans of compulsory arbitration in far-off foreign countries where conditions are entirely different.

The second question we asked of the Negative was, do you favor the present method of settling labor disputes with all the evils we have pointed out and if not, just what plan do you propose that will eliminate them? At first they did not dare answer this question but agreed to answer it later thinking that by so doing they might evade the issue. But after we showed how they would have to uphold and justify the strike and lockout or propose some plan to eliminate them better than our plan, they realized that they could not justify strikes and so they chose the only remaining possibility and proposed governmental ownership and operation of all the public utilities as a means of settling and preventing labor disputes.

Then after our first speaker showed how this was practically impossible because it was too costly and ineffective, they have attempted to withdraw their plan of settling disputes and debate only our plan. But, Ladies and Gentlemen, now that the gentlemen of the Opposition have proposed government ownership and operation of the public utilities, they must defend this plan and show how it will eliminate the evils of the present system better than our plan. They must not only show how they are going to get the $40,000,000,000 with which they are to buy the public utilities, but, after they have shown this, they must also show how they will get competent and reliable men who will take the responsible positions. Further, they must show how they are

going to assure the people that the government will be successful in operating the public utilities when they never have made a success of any industry before. Then after showing all this the Negative must show how their plan will eliminate the evils of the present system better than our plan.

Our government has been very successful as a legislative and judicial body, but as an operator of industry it has failed miserably. The government has to appropriate millions of dollars annually for the postal service. From the World Almanac we find that for the last fiscal year Congress had to appropriate over $67,000,000 for the postal service alone. During the war the government took over the railroads and in this brief period of operation the loss due to poor management was estimated at $450,000,000, all of which the public must pay. The Alaskan Railway is another good example of government ownership and operation. According to the International Yearbook the first estimated cost was $35,000,000, but typical of the government in industry it was found necessary to raise $52,000,000. Official reports indicate that the road must be operated for years without its revenues equaling even the running expenses, to say nothing about making payments upon the cost of construction. So we could go on citing countless examples of the failure of government ownership and operation. I will not read more. I have given you enough examples of failure to keep the Negative busy the rest of the evening.

As yet our Opponents have but slightly attacked our plan of compulsory arbitration. Instead of coming out and meeting us on the real issues of the debate, they have attempted to draw us into a debate on compulsory arbitration in foreign countries and in Kansas. We have already shown you that our plan is entirely different and that the success or failure of these examples is entirely irrelevant and has no bearing upon the case whatever, just as the success or failure of the Articles of Confederation was no indication of the success or failure of the Constitution. If the Negative wish to debate the Kansas court, we will meet them on that issue tomorrow night.

Our plan differs from the Kansas court in many ways. For instance, our plan provides for a means of enforcement by the bond while the Kansas court does not have this means of enforcement. Thus our plan would succeed, while the Kansas court plan might fail. Moreover our plan has a different

method of choosing arbitrators. The appointments must have the sanction of the Senate. These points of difference are the points that would make our plan succeed while others fail. As yet the Negative have not dared to attack us on these essential points.

The other reason they give against compulsory arbitration is that it is against economic principles. However they have failed to give any authority for this statement. Here is what Professor Richard T. Ely, the Dean of American economists, says about it on page 406 in Ely's Outline of Economics, "Compulsory arbitration for industries affected by private use would be consistent and practicable," and this from America's foremost economist.

Having shown that nearly one-half of our Opponents' argument is beside the question and that the rest is not backed by good authorities, we will now look to their next speaker to show us how they will establish government ownership and operation of all public utilities in the United States.

THIRD AFFIRMATIVE REBUTTAL

Fred M. Johnson, Michigan Agricultural

Mr. Chairman, Honorable Judge, Ladies and Gentlemen: In our first constructive speech, we asked the Opposition two questions; first, "Do you favor these present regulatory bodies such as the Interstate Commerce Commission and the Public Utilities Commissions which settle disputes between capital and the public?" And second, "If you do not favor compulsory arbitration as a means of settling labor disputes in public utilities, just what plan would you advocate?"

By answering the first question in the affirmative, they have admitted the success of compulsory arbitration as a means of settling disputes because these commissions do settle disputes between capital and the public by compulsory arbitration. We are merely advocating the extension of the duties of the same successful commissions to settle the disputes between capital and labor as well as between capital and the public. These commissions would therefore be operating in exactly the same utilities, at exactly the same time, for exactly the same purpose as they are operating today. To use the exact words of the Negative, "These commissions are successful because they are

composed of select men." The Negative by admitting the success of these commissions have virtually admitted the soundness of our plan.

In answer to our second question, "If you do not favor compulsory arbitration as a means of settling disputes, what plan would you suggest?" They have advocated government ownership of all our public utilities. By so doing they have admitted three things; first, that there is a sufficient need for a change in our present methods of settling disputes; second, that they must prove that their plan will satisfy that need; and finally, that the government is the logical one to settle disputes. We too have seen the great need for a change. We, together with the Negative, believe that the government is the logical one to settle disputes. The only point on which we disagree is the method of enforcement. As a means of preventing strikes and lockouts, the Negative would recommend government ownership.

Friends, government ownership and operation cannot work in this country for three reasons; first, government ownership of all our public utilities would involve the buying of over one-fifth the total wealth of the nation by our government which could not raise the money; second, one-fifth of the total wealth of the nation in the hands of the government would destroy private initiative and result in communism, socialism, etc. Finally government ownership and operation has been a miserable failure wherever it has been tried. In our first rebuttal we showed how impossible it would be to raise enough money to buy all these public utilities. It would be inconceivable to float enough bonds to buy one-fifth of the total wealth of the United States. The Negative have provided no means for purchasing these public utilities. Their plan must fail for this reason alone. Even if it were possible to install such a system we should have the government taking all this wealth out of private ownership. All private initiative would therefore be destroyed. As a result we should have communism, socialism, and all such evils which our democratic people would never endure. But let us see how successfully our government has operated and managed industry. We find that every attempt has resulted in a miserable failure. In our second rebuttal we showed you that during a short time in which the government operated the railroads during the war, the loss reached the huge sum of $450,000,000. The necessary appropriation to the postal

service for the government's failure to put the postal service on a self-supporting basis is another example. I need not go into detail in explaining the government's failure in operating the Alaskan railroads. We find every attempt at government operation has been a failure. Therefore the counter solution which the Negative have given as a last resort is a poor weak plan which is inconceivable and impossible in our democratic country.

It is very evident that this debate has resulted in a comparison of the two means of settling disputes, the sound and logical way by means of compulsory arbitration versus the impossible and inconceivable way by means of government ownership. The only attempt on the part of the Negative to condemn compulsory arbitration has been to show the violations of the law in other places. Honorable Judge, it would be just as logical to hold up a daily newspaper with all the violations of our laws which are printed there and use the violations as conclusive evidence for repealing our laws. Would you be willing to repeal our murder law because there are still murders committed? No! Neither has the compulsory arbitration law been repealed because of these few violations which the Negative so hopelessly presented.

They have repeatedly cited the Kansas law as an example of failure. Allow us to correct the false impression which the Negative would give you. We find that in nearly all cases the Kansas court has functioned successfully. In John Hugh Bowers' book on the Kansas court, published in November 1922, we find the following statement. "In over 96 per cent of the cases adjudicated, the orders of the Industrial Court have been complied with by both parties in the controversy." But the success or failure of the Kansas court does not praise or condemn our plan of compulsory arbitration. The only possible example of violations of the decisions has been by labor because no means of enforcement on labor has been provided. The court has attempted to enforce the decisions on labor by fine when labor has no property upon which to levy a fine. Our bond system provides property for labor so that there would be no difference in the enforcement of the decisions on labor than in the enforcement of the decisions on capital. In not a single case have the Negative cited a violation of the law by capital because capital has property and is therefore subject to fine. Since our plan by means of the bond system puts labor in

exactly the same position as capital, our plan would remedy the evils of the Kansas court.

It is the privilege of the Affirmative to present a plan whereby their proposition can be put into operation. It is therefore of vital importance to the Negative that they destroy that plan. Instead of refuting our plan, the Opposition presented a new plan to accomplish the same results. They presented the impossible and inconceivable plan of government ownership and operation of all our public utilities. We debated their plan and showed that it was impossible to put into operation, and that it had been a failure wherever it had been attempted. Our plan of compulsory arbitration has stood unchallenged as a perfect piece of masonry without a nick in it.

Our first speaker showed you that our present methods of settling disputes have completely broken down and are unable to handle the situation. The Negative have joined with us in condemning the present system. Our second speaker showed you that compulsory arbitration is the next logical step in our present judiciary system and that it is based on justice. The Opposition attempted to refute the justice of compulsory arbitration; but when we showed that our plan of compulsory arbitration depended on these commissions which they had favored, they were forced to suggest another plan. I do not believe it is necessary to mention their plan of government ownership again.

Since compulsory arbitration is capable of giving justice and since it is the only logical plan that will handle the situation, we believe that you will join with us in believing that the solution of our present industrial problems in the public utilities is compulsory arbitration.

Negative Speeches in Debate Against Purdue University,

FIRST NEGATIVE

Earle M. Chapman, Michigan Agricultural

Mr. Chairman, Honorable Judge, Worthy Opponents, Ladies and Gentlemen: The first speaker of the Affirmative has stated that certain deplorable conditions exist at the coal mines as a result of strikes. We are indeed pleased to hear the gentlemen of the Opposition suggest this point. Now if these

deplorable conditions do exist at the mines, by just what machinery do our Opponents intend to remedy these so-called evils? At the present time in every other industry in which they would establish compulsory arbitration, the government already sets the rates or prices. If the Affirmative would satisfy labor's demands, what would they do about the price of coal? Will they allow the employers to set the price of coal at any level they desire? Again we ask, just how does the Affirmative propose to eliminate these deplorable conditions that they claim now exist at the coal mines and how under this plan will they set wages and prices?

As I have shown, the first speaker of the evening has centered his entire argument about the point that present evils in industry demand a change. This point merely paves the way for the Opposition to present a further burden of proof. Unless they now present absolute proof that their plan, whatever it may be, will eliminate these same evils then they must necessarily admit that their plan is as weak as they claim that present methods are. We are waiting for the concrete proof that their plan will eliminate these terrible evils. If the Affirmative fail to present this proof then their entire first argument is only a denial and a condemnation of their particular plan.

Possibly the gentlemen of the Affirmative think in presenting this plan of compulsory arbitration that it is something new in the way of settling industrial difficulties. Ladies and Gentlemen, compulsory arbitration of labor disputes is not a new question. Over one hundred years ago England adopted a plan of compulsory arbitration to settle wages and hours but it was such a dismal failure that only after it was abolished did the laboring men return to their tasks. Not only did it fail a century ago but in recent years it has broken down completely in the countries of New South Wales, Germany, and England. In our own states of New York, Indiana, New Jersey, and Massachusetts the people have absolutely rejected compulsory arbitration.

Yet in the face of these facts, this consistent opposition of public opinion, the Opposition propose that we adopt this radical scheme of arbitration by compulsion.

The question as stated is, "Resolved: That labor disputes in public utilities should be settled by compulsory arbitration." Just what is compulsory arbitration actually composed of? According to John R. Commons, formerly on the United States

Commission of Industrial Relations, the actual workings of compulsory arbitration are divided into five different and distinct steps. First, differences must be submitted to arbitration. Second, witnesses must testify and produce papers. Third, parties must refrain from strike or lockout. Fourth, boards must reach a decision. Fifth, the parties must observe the award and refrain from strike or lockout during its life. This arbitration becomes strictly voluntary if compulsory power is not used at each of the five steps. On the other hand it is strictly compulsory arbitration only when government coercion is exercised at all five of the steps just mentioned. To defend this plan the Affirmative must prove beyond a doubt that each one of the five steps in their form of arbitration will be compulsory. If they fail to do this then their plan ceases to be compulsory; for the minute one of the steps becomes voluntary then the whole plan becomes voluntary arbitration.

We of the Negative could favor voluntary arbitration if we chose but we are bitterly opposed to any scheme of compulsory arbitration because it varies so widely from all other plans in that it is compulsory, forced on both parties at every step in the arbitration. The duties of the Affirmative lie clearly before you —they must prove that there is a necessity for such drastic action; that their particular plan of compulsory arbitration meets these necessities and will be beneficial and just; and finally that it is enforcible and can be made compulsory in each one of the five steps of arbitration. Then, and not until then, can you, Ladies and Gentlemen, consider the case of the Affirmative as complete.

Our reasons for opposing compulsory arbitration so strongly are first, compulsory arbitration is wrong in principle, second, compulsory arbitration is unjust to labor, capital, and the public, and third, compulsory arbitration is impracticable. I will prove the first point.

Compulsory arbitration is wrong in principle because it violates American ideals by denying the workmen freedom of contract and forcing them to perform compulsory servitude. Our government of the United States was founded on the popular belief that life, liberty, and the pursuit of happiness was insured to everyone regardless of their rank. So far there has been no lasting or dangerous opposition to these principles but now the gentlemen of the Affirmative insist on foisting upon

the American people their plan of compulsory arbitration that would certainly impair the liberties of many and affect their happiness immeasurably. With compulsory arbitration in operation, if a decision is handed down against labor then the men are compelled to stay on the job and take the wages offered, thus performing compulsory servitude. On the other hand if a decision goes against capital employers are compelled to continue operation regardless of whether they want the men or whether they are making a profit. That is compulsory arbitration as it actually works out.

When men are forced to work for other men they do not want to work for and under distasteful conditions, all because of the compulsory award, then these workingmen are in a condition of slavery, compulsory servitude, that leads us in retrogression to the days prior to '61 and back to the age of serfdom. Compulsory servitude caused by the compulsion of arbitration, no, it does not appeal to the American mind that has always been taught our country was founded and operated on the highest of principles. The right to quit work must be maintained if freedom is preserved, for it is only slaves who may not leave their work in accordance with their own will and consequently may not move about from place to place, they are chained to their jobs, and thus it is that compulsory arbitration by its very definition denies the worker the right to quit work and ties him to the mine, the factory, or the transportation upon which he works, all in the same way that serfs were bound to the soil during the feudal era.

Compulsory arbitration is wrong not only because it denies the worker the right of freedom of contract and forces him to perform compulsory servitude but also because it denies the employer the right of freedom of contract. Freedom of contract—the right of the employer to hire chosen men at desirable prices. Compulsory arbitration will deny this long accepted principle to the employer, since, under compulsory arbitration if a decision is rendered against capital the employer is compelled to run his business, to hire men he does not want, and to pay them wages he believes to be unjust. Thus compulsory arbitration takes from the employer the right to run his own business and the inherent right of freedom of contract.

Compulsory arbitration not only breaks down the rights and liberties of individuals but it also compels our government to

enforce these awards that impose compulsory servitude upon the workingmen. Doubtless you can see the peculiar condition this places our government in. On the one hand we believe firmly in individual rights, except where criminally exercised, as protected in this country since the landing of the Pilgrims who sought our shores for religious and industrial peace. But now on the other hand if compulsory arbitration is adopted we will find our own government compelling men to perform compulsory servitude. Certainly such action, if taken up by our government, would be deeply repugnant to all concepts of liberty as held by United States citizens. A man's labor, his very life, is very dear to him and when our government begins to regulate this man's labor then it is time to be on the alert for some violent reaction.

Assuming that the worker could be compelled to perform compulsory servitude, under unfavorable conditions—what then? Since that which the worker desires most is to get out of the industry he will do everything within his power to prove himself so detrimental and inefficient to the business that he will be released from his slavery. We can never have efficiency in slave labor; labor must be absolutely free and working in harmony with the employer in order to secure justice to all parties concerned.

Honorable Judge, this system of compulsory arbitration which compels the laborer to work and the employers to operate under conditions that are unfavorable to either or both of them, and then compels our government to enforce this condition on both, is so directly a violation of the principles of individual rights and of government methods that we believe that it should never be forced upon the laboring men and employers in our American Republic.

Compulsory arbitration is also wrong in principle because it is a direct violation of economic law. A well known fact is the statement made by most recognized economists that "anything that tends to artifically regulate wages is in direct contradiction to economic law." It follows from this fact that compulsory arbitration must fail since it is economically unsound because it attempts to artificially regulate wages.

Once having established this court or board of arbitration it would be impossible for that body to actually determine a fair wage. As Governor Miller of New York says, "the ques-

tion of wages is a matter of contract, it cannot be made the matter of judicial determination by any known or settled principles of law." It is virtually impossible to secure a group of men sufficiently intelligent, unbiased in their opinions, and with the time to study out the various labor problems that arise and then finally hand down a fair wage decision. It is impossible for any group of men to set a fair wage, whatever it may be, and have it elastic enough to meet the fluctuations in prices. The price of foodstuffs, clothing, and the actual demand for labor itself changes so greatly in different localities over short spaces of time that it is utterly useless to believe that a court or board can set a fair wage that will be just to all workers who live and operate under such vastly different conditions. A fair wage is an intangible thing that can never be determined in arithmetical terms by an arbitrary body, but only by existing economic conditions.

I have proved to you, Ladies and Gentlemen, that compulsory arbitration is a violation of economic law and the court cannot determine a fair wage; that the government will be compelled to enforce the awards, regardless of their justice, upon labor and capital; and that the freedom of contract will be denied to employers and employees and the latter will be compelled to perform compulsory servitude. In a word, the whole fundamental principle of compulsory arbitration is wrong. The following Negative speakers will prove that compulsory arbitration is unjust to labor, capital, and the public; and that it is impracticable.

In closing we demand that the next gentleman of the Opposition answer these two questions that are relevant and very important to this debate this evening. If the Affirmative fails to answer, then our following speaker will answer for them. First, how does the Affirmative propose to handle the blacklist? Second, will the Affirmative allow the men to individually quit work?

SECOND NEGATIVE

Douglas V. Steere, Michigan Agricultural

Mr. Chairman, Honorable Judge, Worthy Opponents, Ladies and Gentlemen: The previous speaker for the Affirmative has challenged us to answer a sharply worded question which in essence means simply whether we of the Negative will

not admit that their compulsory arbitration plan is as good a means of giving justice to all as the present economic forces which set wages and working conditions today. I will meet that question squarely. We of the Negative do not believe your compulsory arbitration court or any other artificial body can set a just wage. The first Negative speaker made this point very clear, and until you can prove beyond a question of a doubt, that your court can step in where other organizations the world over have failed, and can set up a fair wage—until you do this you cannot begin to talk to this audience tonight in terms of justice.

The Affirmative tonight have attempted to build their argument for compulsory arbitration on the cornerstone of our present judicial system under the assumption that they were analogous. Before going further we of the Negative propose to test the strength of the analogy and if we prove it to be false we will have undermined the Affirmative case thus far and will be in no way questioning the efficiency of our judicial system when we attack their proposed compulsory arbitration scheme. There are two classes of judicial courts today—criminal and civil. It is self evident that the settling of wages and making arbitrary dictates on matters of industrial policy are in no way analogous to our criminal court where a guilty or not guilty decision on a violation of the law is given. Then if any analogy exists it must be between the civil court and the compulsory arbitration scheme. First, the decisions handed down in civil court are based not only upon the facts presented but upon written law and definitely established principles of jurisprudence set throughout the legal profession. A compulsory arbitration body not only has no such definite principles but the nature of disputes makes it impossible to ever establish any. As the President of the English compulsory industrial court puts it, "An industrial court is unlike a court of law—by no ingenuity can authority be discovered for a view on an ordinary claim for an increase or reduction of hours or wages." On the lack of judicial principles and impossibility of setting them alone the analogy falls.

Second, a civil court interprets contracts made by individuals or parties between themselves. A compulsory arbitration court does not interpret contracts made between parties but sets itself

up to make the contract itself and then to force the parties it affects to obey.

Third, this final fundamental difference in the principle is so striking that in itself it destroys the Affirmative's attempted analogy. A civil court deals with free men and levies its awards in property alone. A compulsory arbitration law makes four million American citizens slaves, takes not only their property but their lives as well, since a laborer and his labor cannot be separated from the conditions the court shall dictate. Where is the court in America that is based upon such a radical principle of oppression? Our court system efficient? Agreed! but keep in mind from now on, Affirmative, that further reference to the United States judicial system to show the logic of your plan is entirely fallacious.

My colleague has shown compulsory arbitration of labor disputes to be wrong in principle and to be impossible of setting a fair wage. This point brings us to the issue of the justice of compulsory arbitration. It is my purpose this evening to show you that compulsory arbitration enacts grave injustices on labor, on capital, and on the so-called public.

Let us look at labor. The Affirmative in defending compulsory arbitration are confronted with two alternatives, one of which they must accept and stand for here tonight. Either they must allow the laborer to quit work individually whenever he pleases, or they must refuse to allow him to quit work unless given permission. If they choose to allow a laborer to quit work individually when he pleases, whenever he is dissatisfied with a court award, then they have no control over all the men quitting as individuals following a court award, if they are all individually dissatisfied. For the same court award that made one laborer dissatisfied and quit may make all the men individually dissatisfied and leave without any conspiracy whatever. While this cannot be classed as a strike it has exactly the same effect on continuity of service. If the Affirmative take this stand that advocates laborers quitting when dissatisfied, they can no longer enforce their award and case to stand for compulsory arbitration. On the other hand, they may refuse to allow laborers to leave the industry when dissatisfied until they can replace them. You see what this stand means to the laborers in public industry, Honorable Judge? Four million men

who must accept the working conditions dictated to them and are forced to continue to give their labor regardless of their own desire, chained to the industry at the court's dictate. This is the brand of so-called American liberty and justice the Affirmative are advocating tonight, Honorable Judge. The same court decision that makes these men want to quit work will for the same reason repel other men of equal standard of living and efficiency from forfeiting their freeman's rights and replacing the workmen within the industry who want to quit. The ultimate results will be either continued slavery for the laborers within the public industry or admitting men of a lower standard of living to take their place—flooding our public utilities with cheap labor. Take your choice, Affirmative: either labor is allowed to quit individually whenever it is dissatisfied and your plan means nothing, or the laborer is forced to work under the dictated award until substitutes can be secured who will deed over their freedom, and you bring about rank injustice to labor—industrial slavery, sabotage, and the gradual introduction of cheap labor into our public industries. We now come to a second violation of justice to labor upon which the Affirmative must take a stand. That is the fact that compulsory arbitration allows capital to retain her weapon, the blacklist, after labor has been shorn of her only effective protection against it, the strike. The Affirmative tonight must choose one of the following stands: Either they allow the employer the right to hire and fire, or they do not allow him the right to hire and fire without the permission of the compulsory arbitration court. If they allow him the right to hire and fire they allow him the right to discharge those men who are likely to make demands and then to send a list around to his fellow employers to prevent these men securing further employment in the industry—in short, the blacklist. The metal trade does not even take pains to conceal their blacklisting machinery but openly assert they have sixty thousand names carefully carded in their files which enable them to spot any applicant in their trade they wish to discriminate against. No court has ever yet been able to successfully prosecute the blacklist as long as the employer is allowed the right to hire and fire. This means of intimidation rids the employers of men likely to make court demands. Labor has no legitimate means left to curb this ruthless blacklist since her potential power to strike has been

denied her, and is forced to resort to guerilla warfare—the boycott, sabotage, inefficiency, stalling in a weak attempt to protect herself. This is the heritage of the Affirmative's force upon public industry if they give the employer the right to hire and fire. They may choose the alternative stand and refuse the employer the right to hire and fire until he has secured the courts permission, but what a busy little court system this would give them with four million public industry employees shifting around in our public industries today! You must take your choice of these evils your system imposes, Affirmative. Either you allow the employer to hire and fire and brand public utilities with capital's blacklist and throw labor into guerilla warfare in its vain attempt to retalliate, or you do not allow the employer the right to hire and fire without the court's approval and you make your court an employment bureau swamped with the hiring and firing for four million public employees—a mere question box.

Compulsory arbitration, thru its compulsory interference in labor disputes, violates justice to the employer as well.

To the employer the first guarantee of so-called justice that compulsory arbitration imposes is the taking out of his hands and placing in the court's power the running of his business. Compulsory arbitration gives the court or commission jurisdiction over settling all disputes of labor. Here is what this means: labor wants shorter hours, higher wages, a new style of machinery here, a new lighting system there, a new organization plan over here and a thousand and one such contentions that involve and affect every intricate part of the management of the industry. The employer no longer decides for himself whether it is fit to grant the change or not. The moment he hesitates it goes to the court over his head, and the court decides how the industry shall be run and what demands shall be granted. The employer under the compulsory arbitration system becomes a mere figurehead, a puppet to carry out the court's dictates. The court, then, not the employers, operates our public industry and we have nothing short of government operation of public industry with private investors and employers standing all the risks of the business. Not only does the compulsory servitude court violate justice to the employer by depriving him of the right to run his own business but it assumes the power to force him, thru its wage awards, to run at a loss if it so decrees.

The Wolff Packing Company of Kansas is a typical example of this practice. An investigation showed the company to be already operating at a $75,000 a year loss. The company was found to be able to employ all the labor necessary on terms and conditions satisfactory to both the company and the would-be employees. In the face of these facts, the compulsory arbitration court decreed that the Wolff Packing Company raise its wages $50,000 a year, adding this to their previous deficit. The supreme court of Kansas upheld this decision as valid. The company could not go out of business without the courts' permission and then only at practically a total loss of their investment. Instead of guaranteeing justice to the employer it has made him the butt of the courts' experiments on his business. When compulsory arbitration penalizes the employer for investing his funds in public industry, by assuming the operation of the industry thru its court dictates and forcing the employer to be responsible for losses which their labor awards entail, the employer and private investor, in order to protect himself, must offer the government just two alternatives which we in turn offer to the Affirmative for their stand here tonight. Either the government in imposing compulsory arbitration must guarantee a set fair return on private investments in the public industry, or private capital withdraws from public industry in favor of some more attractive form of investment and the government in order to keep the public industry running, must finance it out of its own funds. You have it in a nutshell, Affirmative: either guarantee a set fair return on private capital invested in public utilities or finance public utilities with government funds. Which does your plan propose? The Affirmative have attempted to disguise their compulsory servitude law here tonight by wrapping it in the American flag under the plea of "assisting the public." Honorable Judge, who are the public anyway? Are the four million citizens engaged in public utilities who with their families make up practically one-fourth of our population to be considered some alien body that the other three-fourths would ostracise and enslave? If they are not a fundamental part of the public, then, what are they? Will you, Ladies and Gentlemen, support a plan as just to yourselves as members of the public, that crushes under its heel the liberty and freedom of contract of one-fourth of the American people? Capital has declared herself bitterly opposed to this imposition. Organized labor,

which is especially strong in public industry, declares "We don't want it; we won't trust it; and we won't stand for it." When a law proposes to throw one-fourth of America's population, born and reared in American democratic ideals, into a state of compulsory servitude, and in so doing violates the principles of public justice and antagonizes this vital citizen body, it is evident to every man and woman in this audience that the other three-fourths of the public in so doing have committed an injustice against themselves and cannot long remain in a healthy prosperous state.

To summarize: I have shown you the fallacy of the Affirmative's analogy between compulsory arbitration and our judicial system, and have pointed out the impossibility of securing unbiased labor dispute boards to render just decisions. The Affirmative, in advocating compulsory arbitration, have three rank injustices against labor and capital, which they must either admit exist or on which they must take the counter stand tonight. First, deny labor the right to quit work individually until he can be replaced and you violate justice and make him an industrial slave; or, to take the counter stand, give him the right to quit work individually when dissatisfied and you no longer advocate compulsory arbitration. Second, allow the employer the right to hire and fire and you encourage the use of the blacklist and throw labor into gorilla warfare in an attempt to retalliate; or, deny the employer the right to hire and fire without the court's permission and you swamp your court with hiring and firing responsibilities for four million public industry employees. Third, when the court takes business decisions out of the employers' hands thru its labor decisions and forces employers to be responsible for losses their awards may inflict, the employer gives government two alternatives, one of which the Affirmative must accept if it expects to keep public industries running: The government guarantees to set a fair return on private investment or the employer goes out and the government finances it itself. To stand for either of these means assuming the burden of proof for government operation of public utilities by the Affirmative.

If the Affirmative do not stand for these counter solutions then they must accept the alternative injustice and disastrous effects on public prosperity the enforcement of compulsory arbitration would bring. In the name of justice to labor, to capital,

and to the public, I appeal to you to take your stand, solidly with the Negative, with the American Congress, with the nations which have attempted and failed in this coercive venture, against the introduction of compulsory arbitration into any American industries at any time.

THIRD NEGATIVE

Harry G. Smith, Michigan Agricultural

Mr. Chairman, Honorable Judge, Ladies and Gentlemen: I wish to call to your attention again the fact that the first speaker for the Negative asked three questions, which are as follows:

First, Gentlemen of the Affirmative, will your plan of compulsory arbitration, allow the individual the right to quit work when he is individually dissatisfied? In reply the gentlemen have just informed us that they will allow the individuals the right to quit work when they are individually dissatisfied. Let us analyze the position that the Affirmative now find themselves in. The conditions which are disgusting to one man may easily be disgusting to all the men in the industry and the things which cause one man to quit work may cause all of the men to quit. In this case, even tho no strike has been declared, the effect is the same. The industry is paralyzed, the public can no longer buy service, and yet the gentlemen have just stated that their plan of compulsory arbitration would be powerless to protect the public in this case. Affirmative, here indeed is a point upon which your plan is a failure.

The second question which was asked of the Affirmative was as follows: How will your plan of compulsory arbitration eliminate the blacklisting of employees by the employers? In reply the gentlemen have stated that their plan will handle the blacklist, the same as the courts have in the past. Affirmative, you did not realize when you made that answer that no court in the world has successfully met the blacklist, no body outside of the industry itself has been able to eliminate this rank injustice to labor. If you can offer no better means of eliminating the blacklist than the one you have just offered, then, again, you admit that your plan must fail on this point alone and in addition you admit a rank injustice to labor.

Now for the third question which my colleague has asked

of the Affirmative: Since you have asked a question which involved the term "fair wage," it becomes necessary that you define a fair wage, in order that we may understand each other? So far the gentlemen have failed to define a fair wage. So far no body on earth has been able to define a fair wage in any tangible terms and it is indeed no surprise to the Negative that our Opponents have not answered this question. But, Affirmative, if you desire an answer to your question, it will be necessary that you make an attempt to define a fair wage.

Let us consider the case as it now stands. The first speaker for the Negative has shown that compulsory arbitration is wrong and unsound in principle since it is, first, contrary to American ideals, denying employer and employee the rights of freedom of contract, and embodies compulsory servitude. Second, compulsory arbitration is wrong and unsound in principle, since it is contrary to the sound economic law of supply and demand.

The second speaker for the Negative has shown that compulsory arbitration is unjust to all concerned. First, it is unjust to the employer, denying him the right to manage his business. Second, it is unjust to the employee, since its enforcement embodies compulsory servitude. And third, he has shown that compulsory arbitration is unjust to the rest of the public.

I shall prove that compulsory arbitration is impracticable, by first pointing out the impracticability of our Opponents plan of putting compulsory arbitration into action. Then I shall show those inherent evils of compulsory arbitration which condemn the general system.

Now for the plan of the Affirmative. The Affirmative have offered, as a means of putting their compulsory arbitration into force, the plan which is in essence as follows: to hold the labor unions directly responsible for the acts of the laborers. This, Ladies and Gentlemen, is the essence of the term "union contractual liabilities." In analysing this plan, let us first consider the position of the labor unions in regards to compulsory arbitration. Samuel Gompers, the President of the American Federation of Labor, the largest labor organization in the United States, has on many occasions stated, in referring to compulsory arbitration: "We don't want it, we won't have it, we won't stand for it—as long as there is a breath of life in our bodies we will fight against compulsory arbitration." And yet this is exactly the organization which the Affirmative propose to hook directly

to their court of compulsory arbitration. The last speaker for the Affirmative has just finished telling you that these two bodies will cooperate with one another and the combination will bring about harmony, and with this harmony will come the success of their plan. Gentlemen, you have assumed a great deal in making that statement. But, Ladies and Gentlemen, let us analyze their plan a little more. "Union contractual liability," this means that if the unions are to be held responsible for the acts of all labor in the industry, then clearly it will be necessary that the unions have control over all labor in the industry. This then means a universal closed shop in those industries. Do you realize, Affirmative, just what you propose to do. How do you propose to force all labor to affiliate with the labor unions? In the past, the unions have nowhere near succeeded in this attempt. Will you compel the men to join, by law? But at any rate, you assume that this so far impossible feat can be performed. We will meet you on this ground. Did you realize, Gentlemen of the Affirmative, that in proposing a universal closed shop, you were placing in the hands of the labor unions the most powerful weapon that you could devise? A weapon that, if wielded, would destroy your entire scheme? New South Wales, New Zealand, South Australia, Tasmania and other nations have tried this scheme, and their failures should have been a warning to you. No, Affirmative, you cannot enforce any measure by arming its opposition with a weapon which is powerful enough to destroy that measure. Thus, Ladies and Gentlemen, we find that our Opponents have offered a scheme which is theoretically and practically unsound.

Thus we find that their plan of compulsory arbitration cannot meet the needs that the gentlemen have pointed out. In addition we have shown that their plan cannot be enforced, and therefore is impracticable. Now let us point out some of the facts of history that show that compulsory arbitration has not been successful in the past. In New South Wales the number of strikes averaged two hundred per year before the adoption of compulsory arbitration, and with the adoption of the measure the number of strikes increased to three hundred the first year. In our own nation in the state of Kansas, which is only 9 per cent industrial, there were forty strikes in 1918, there were forty-four in 1919, and in 1920 compulsory arbitration was adopted and the number of strikes increased to two hundred and ninety-three,

an increase of 660 per cent. In 1921 there were three hundred and eighty-eight strikes in the coal mining industry alone, in that state, an increase of 880 per cent over 1919. Consider the number of strikes that would occur if compulsory arbitration were adopted in such states as Michigan, which is 55 per cent industrial, Ohio which is 66 per cent industrial, or New York, with industry calling more than 72 per cent of its population. Affirmative, compulsory arbitration has not been successful in the elimination of strikes, and even if the public did need that protection for which you plead, your plan would leave them without that protection. In Kansas even the court of compulsory arbitration itself had to call upon the state militia to drive away the strikers, who were picketing the court room. The militia was required as an escort, when the judges desired to leave the building.

And yet, Affirmative, this is exactly the type of protection that you offer to the American public this evening.

All nations that have tried compulsory arbitration have found it to be a failure and worse than useless.

A bill is at present before the legislature of South Australia that will annul compulsory arbitration. It is not enforced in New South Wales and the prime minister has recommended that it be annulled. Governor J. M. Davis of Kansas was elected last November, a democrat in a republican state on a platform which pledges him to abolish compulsory arbitration.

So it is in every place in which it has been tried. If we had time this evening we could quote failures like that in Kansas, Australia, New Zealand, Tasmania—the list is almost endless. Compulsory arbitration has been tried with black men, with yellow men, with white men, it has been tried in industrial nations, and in agricultural nations, in the tropics, and in the temperate zones, and every trial has been a failure. We then ask you, Affirmative, just where in your plan lies that magic drop of something which will make you successful, where the plans of so many other great men have failed. Gentlemen, you too must fail where the others have failed. You cannot hope to change the make of the human being, you cannot hope to take away from him his liberty, his freedom of contract, his right to live, as free men should live, and leave him nothing more than an unworkable theory that to him has proved to be a failure in every place that it has been tried.

Gentlemen, until you can prove that compulsory arbitration is sound in principle, until you can prove that it is just to all concerned, until you can prove that it will be successful in the elimination of strikes, then, and not until then, can you hope to extend this un-American plan of compulsion to the rest of these United States.

In conclusion, Honorable Judge, our Opponents have based their entire case upon a purely hypothetical theory, that compulsory arbitration will remove the cause of strikes and thus will prevent them, and yet the Negative has shown that in every trial compulsory arbitration has proved to be a failure and worse than useless.

In addition, we have shown, first, that compulsory arbitration is unsound in principle, second, that it is unjust to all concerned, and finally, that even if compulsory arbitration were sound in principle, which it is not, and even if it were just to all concerned, which it is not, it would fail to accomplish those things for which our Opponents plead. It cannot succeed since it cannot be enforced, and therefore it is impracticable. Impracticability and failure go hand in hand.

We have come to a parting of the ways. Shall we accept this nefarious plan of compulsory arbitration with all of its unsound principles, with all of its injustice, its history of dismal failures? Shall we throw this nation's welfare upon this derelict and hope to see it safely thru the storm? Or shall we sweep aside this unworkable theory and leave the employers and employees of this nation, free men, Americans of America, working for that which every American desires and loves, life, liberty, and pursuit of happiness?

FIRST NEGATIVE REBUTTAL

Earle M. Chapman, Michigan Agricultural

Mr. Chairman: In opening our constructive case this evening we demanded that the gentlemen of the Affirmative answer two questions. First, "Will the Affirmative allow the men to individually quit work?" Second, "How do the gentlemen of the Affirmative propose to handle the blacklist?" In answer to our first question the Affirmative assert that they will allow men to quit work, and at the same time they attempt to depict for you the deplorable conditions resulting from the strike. Honorable Judge, just how in their plan do they draw the line

between striking and individually quitting work? What in this system would prevent one man or all men from quitting when dissatisfied with the same things that the others in the industry would be dissatisfied with? When one man quits work because he is dissatisfied there is nothing to prevent all the men from being discontented with the same conditions and quitting work. The result is virtually a strike, but still it is allowing men to individually quit work. You cannot allow men to quit work and hope to prevent the strike from occuring. Furthermore, as long as the Affirmative continues to allow the men to quit work, or to strike, they are not proposing a true plan of compulsory arbitration. On the best available authority, John R. Commons, formerly on the United States Commission of Industrial Relations, we find that compulsory arbitration is divided into five steps, as I have already shown you, and the fifth step specifically states that after an award is given "parties shall refrain from strike or lockout." So long as our Opponents allow men to individually quit work, in effect to strike, they cannot be defending the compulsory arbitration as strictly stated in the question, but are presenting a combination of voluntary and compulsory arbitration arranged to meet their peculiar needs.

In answer to our second question of "How does the Affirmative propose to handle the blacklist?" the gentlemen have ignored a direct answer. Now, Ladies and Gentlemen, the blacklist is of immense importance in this debate. Possibly our Opponents do not understand the full meaning of a blacklist. A blacklist is a group of thousands of names of workmen that is maintained in large employers' offices to show the employer just which men are classed as dangerous simply because they would lead labor in appealing to the court for this so called justice. That is the purpose of the blacklist that defies the very working of their own plan of compulsory arbitration. Men whose names appear on this list can never secure a job with employers having access to the list, all because they are apt to appeal to the court of compulsory arbitration. I leave it to you, Honorable Judge, whether or not such a club held over the laborer's head is of minor importance in this debate.

Again, we of the Negative call your attention to the fact that the Purdue gentlemen have not produced proof that their plan will eliminate the evils that they claim are a result of the terrible strike. The first Affirmative speaker centered his entire

argument on showing that the evils in industry at the present time demand a change, and yet so far in this debate they have not produced the evidence to prove that their particular plan will eliminate these evils that they claim arise from the strike. In fact, the first Affirmative speaker denounced the strike and then their following speaker, in answering our question, admitted that they would allow the men to individually quit work or, in effect, to strike. Surely there appears an inconsistency in these various stands taken by our Opponents. Unless the gentlemen of the Affirmative get together and decide on one definite stand and then prove by just what machinery their plan will eliminate the deplorable conditions that they claim now exist, then their entire first argument and defense of it must admittedly be only a denial and a condemnation of their scheme of compulsory arbitration.

We see, by looking at the chart offered by the Affirmative, that their plan calls for union contractual liabilities. That is indeed a very high sounding phrase, but just what does it mean? Union contractual liabilities simply means that the unions, as a unit, will be held responsible for labor's actions. In a word, then, it means the ultimate incorporation of the unions—the very thing that labor itself has been so bitterly opposing for years. Incorporate the unions! How on earth could that be accomplished in any satisfactory manner when labor says that it cannot be made to incorporate and that it will fight any form of compulsory arbitration to the last ditch? Yet the Affirmative glibly asserts that labor will and does endorse such a scheme. Ladies and Gentlemen, this plan of arbitration can never be practicable when it would compel every man to wear a little union button to get into a public utility and share in the union contractual liabilities. Union contractual liabilities are impossible and impracticable because it would mean union incorporation and finally the closed shop. It is upon these facts that we base our belief that the scheme of compulsory arbitration as advocated this evening is unjust and impracticable.

SECOND NEGATIVE REBUTTAL

Douglas V. Steere, Michigan Agricultural

Honorable Judge: Let me read to you once more America's foremost labor authority's definition of compulsory arbitration. John R. Commons, in part five of his definition, says, "the

parties must observe the award and refrain from strike or lock-out during its life." And yet, in the face of this definition of compulsory arbitration, the Affirmative answer our question by telling you they will allow the worker to quit whenever he is dissatisfied with a court award and therefore they admit that their plan will not force one party to the agreement to observe the award during its life. When they do this they openly violate the definition and are not advocating compulsory arbitration at all but have simply advanced another form of semi-voluntary arbitration of the same brand they have tonight so violently denounced. Until the Affirmative begin to stand for true compulsory arbitration they have not begun to uphold their case here tonight, and but two rebuttal speeches remain in which they may change their stand.

We have asked the gentlemen of the Affirmative how they will eliminate the blacklist under their plan of compulsory arbitration and they have attempted to pass hastily over this vital issue by remarking that their court, the same as the present United States courts, would be able to detect it. Honorable Judge, that is exactly where they admit that their court will be totally unable to cope with the blacklist, for no United States court—in fact no outside body—has ever been able to successfully prosecute the blacklist. It is a practice of passing a list either in writing or by word of mouth from one employer to another that can be secreted or destroyed the minute any danger of discovery appears. As long as the employer is allowed the right to hire and fire, no court can determine in each case whether that man has been justly or unjustly discharged. Yet this subtle weapon, the blacklist, may enable the employer to absolutely thwart the purpose of the court thru intimidating employees against making court appeals, under fear of losing their jobs. This issue of the blacklist alone entirely undermines the justice of the Affirmative case, Honorable Judge, and to this point they have been entirely unable to refute it.

The Affirmative have attempted to tell you that compulsory arbitration will be unable to artificially set wages. Here is what the report of the United States Industrial Commission, volume 7, page 11, says "Every time that any commission has attempted to fix wages by law there has been a very contemptible failure." Ex-Governor Miller of New York State adds, "That (referring to the question of wages,) is a matter of contract. It cannot properly be made the matter of judicial determination

according to any settled or known principles of law." Experience has shown that there is no artificial body on earth that can set a truly fair wage and yet the Affirmative, thru their mere assertion here tonight, have attempted to impress upon you that they will succeed where others have failed. Just how will you do this, Affirmative? The very impossibility of the courts ever setting a fair wage is simply an added violation of justice when the Affirmative advocate the placing in the hands of such a court the power to dictate the wages and working conditions of four million public industry employees. The only true point of difference between the Affirmative's hypothetical plan that they have presented here tonight, and the plan of compulsory arbitration in Kansas which we have already shown to be a failure in averting serious strikes, is simply that the Affirmative contend that they will force the unions to incorporate and then thru their cooperation see that the awards are enforced. Here is the kind of "cooperation" with a compulsory arbitration plan that organized labor stands ready to give. Samuel Gompers, speaking for labor, says, "As long as the laborer has a breath of life left in its body it will fight against this slavery." Organized labor itself comes forward with the slogan "We don't want it; we won't trust it; and we won't stand for it." In the face of this bitter opposition of labor to compulsory arbitration, does the Affirmative's assumption of enforcing their plan thru "labor's cooperation" look feasible to you, Honorable Judge? The Affirmative have not yet even shown us how they will force the unions to incorporate against their will when all manner of pressure has failed to accomplish this during the past fifty years.

When the Affirmative advocate incorporating the unions and making contracts between the court and the union they admit they are advocating nothing short of a closed shop in all of our public utility industry. This means every employee must wear a union button or get off the job. By such a movement the Affirmative would give the union absolute strength of organization, all mobilized to battle against and thwart in every way possible this plan of compulsory arbitration which they so bitterly oppose. Their only point of difference with the Kansas failure in compulsory arbitration is simply the organizing of all the workers into union ranks, and virtually mobilizing them for their attack against compulsory arbitration.

This, then, is the Affirmative's stand to this point tonight Honorable Judge: First, they are not advocating true compulsory arbitration at all. Second, they admit they cannot avert the blacklist which in itself destroys the justice of their plan. Third, they have failed to show how they will succeed in setting a fair wage, when the rest of the world to date have failed. Fourth, they have based the entire argument for enforcement on the incorporation of the unions assuming that a spirit of cooperation which in reality is hatred will float into place, and in so doing they take a stand for a universal closed shop in our public utilities today –the very weapon organized labor could have for use in battling against compulsory arbitration.

THIRD NEGATIVE REBUTTAL

Harry G. Smith, Michigan Agricultural

Mr. Chairman, Honorable Judge, Ladies and Gentlemen: Let me call to your attention once more the fact that our Opponents, in answer to our three questions, have stated as follows: "We will allow the individuals the right to quit work when they are individually dissatisfied." By this statement they have admitted their inability to handle a situation, wherein all workers in any industry might desire to quit work. This would, in effect, be a strike, yet their court of compulsory arbitration, according to their own admission, would be powerless to act. Honorable Judge, can a plan which has this vital weakness succeed? Can the American people accept such a plan, and hope to have their welfare guarded? In answer to our second question, the gentlemen of the Affirmative have admitted their inability to cope with the blacklist, which in itself is a rank injustice to labor. Yet the Affirmative, have at great length pleaded for justice for labor. This is a grave inconsistency in your case, Affirmative. In answer to our third question: "Will the Affirmative define a 'fair wage'?" we have heard no definite answer. How then, Worthy Opponents, can you hope to convince the audience of the justice of compulsory arbitration, when you, yourselves, admit, that your plan will not prevent the tying up of all industry, that your plan will not prevent injustice to labor, since you cannot eliminate the blacklist, and you cannot provide a fair wage for the workers? Here your justice argument must fall. No matter what may be the exist-

ing evils in our present system, unless your plan will eliminate these evils, they then stand as a self inflicted indictment of your case. Thus we find, Honorable Judge, that the first two points of the Affirmative, necessity and justice, have been swept aside. Now for their one remaining point: that their plan is practical.

The gentlemen have proposed "union contractual liabilities" as a means of enforcing compulsory arbitration. We have already pointed out the fact that the labor unions oppose compulsory arbitration in any form. Samuel Gompers has stated that the labor unions will fight the measure as long as there is life left in the unions. And yet our Opponents assure you that there will exist the best cooperation and harmony possible. Surely our Opponents' argument is fallacious on this point. But more than this, if the gentlemen will hold the unions responsible for the acts of all labor, then all labor must be responsible to the unions. In other words, our Opponents have proposed a universal closed shop which in addition to all of its injustice to labor, to capital and to the public, is the most powerful weapon that organized labor could possibly possess. Thus we find that the Affirmative have proposed as a means of enforcing compulsory arbitration, the most powerful weapon which the sworn enemies of compulsory arbitration, organized labor, might possibly possess. We thus find, Honorable Judge, that our Opponents' plan of compulsory arbitration is impracticable, since it cannot be enforced.

In conclusion, we of the Negative have shown that the entire case of the Affirmative has been destroyed, since compulsory arbitration will not eliminate the evils which our Opponents have pointed out in the present system, since the gentlemen admit that their plan will not prevent the public from being endangered, if all men in the industry desire to leave their jobs. Further, the Affirmative admit rank injustice to labor, to capital, and to the public, and finally, their plan of compulsory arbitration is impracticable.

On the other hand, the entire case of the Negative remains unrefuted: The first speaker for the Negative has shown that compulsory arbitration is wrong and unsound in principle since it is, first, contrary to American ideals, denying employer and employee the rights of freedom of contract, and its enforcement embodies compulsory servitude. It is further wrong and

unsound in principle since it is contrary to the sound economic law of supply and demand.

The second speaker for the Negative has shown that compulsory arbitration is unjust to all concerned. First, it is unjust to the employer, denying him the right to manage his business. Second, it is unjust to the employee, since its enforcement embodies compulsory servitude. Finally he has shown that it is unjust to the rest of the public.

I have shown that compulsory arbitration is impracticable, by first pointing out the impracticability of our Opponents' plan, then I have pointed out those inherent evils which would condemn any plan of compulsory arbitration.

Since compulsory arbitration is wrong and unsound in principle, since it is unjust to all concerned, since it is impracticable, we, of the Negative, maintain that compulsory arbitration should not be adopted in the United States.

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CHAPTER IV

FRENCH OCCUPATION OF THE RUHR VALLEY

UNIVERSITY OF BRITISH COLUMBIA

versus

UNIVERSITY OF CALIFORNIA

RESOLVED: *That France was justified in her occupation of the Ruhr Valley.*

This is a stenographic report of debate between an Affirmative team representing the University of British Columbia and a Negative team representing the University of California, in a dual international debate held at Vancouver, British Columbia, March 7, 1923. On the same evening the Affirmative team for California met the Negative team for British Columbia at Berkeley, California. The decision was rendered under a new plan: ballots were distributed among the audience who were requested to vote for the team which in their opinion did the better work in debating, irrespective of the merits of the question. The vote was four hundred and forty-three for the Affirmative, and two hundred and sixty-one for the Negative. The reasons for this experiment in judging were two: First, it was an attempt to arouse interest in the debate by making the audience a distinct part of the contest. Second, it was thought it would do away with some of the formalism of debating, and cause the debaters to consider their audience, with a view to making the speeches more persuasive by making the conditions under which they would be given more nearly those which might be encountered in after life. This system of judging is to be given an extended trial, for during the coming year most of the intercollegiate debates between Pacific coast universities will be judged under it. This report was secured thru the courtesy of Mr. A. Perstein, Faculty Forensic Adviser, University of California.

BRIEF

FRENCH OCCUPATION OF THE RUHR VALLEY

AFFIRMATIVE

I. The French occupation of the Ruhr Valley is justifiable.
  A. It is in the best interests of the world as a whole.
    1. It stands for international justice.
      a. In the interests of international relations Germany should not go unpunished.
    2. It stands for the sanctity of treaties.
    3. It stands for the payment of debts.
  B. It is in the best interests of France.
    1. She wants military security.
      a. She had been invaded and was subjected to overwhelming losses of men and property in the late war, thru no fault of her own.
      b. She did not get her rights under the Treaty of Versailles.
    2. She wants reparations.
      a. She is on the verge of bankruptcy.
        (1) Her debt has increased enormously thru war cost and damage.
        (2) The taxpayer is already paying a larger part of the reparation than Germany herself, and if he pays more he will collapse.
        (3) The income from Balkan investments has been stopped.
        (4) Certain luxury trades have been hurt, due to poverty in Europe and prohibition in America.
        (5) France has no hope of financial assistance from her Allies.
      b. Upon reparations depends her security.
      c. She wants reparations for damages, pensions, and reconstruction—not for profit.

C. It was the only course open to France.
   1. The reduction of reparations has not been effective.
      a. Germany has tried no harder to pay the reduced amount.
      b. Great Britain is advising France to reduce the amount.
   2. Cancellation of the Allied debt, which would probably put Europe on its feet, will not be accepted by Great Britain and the United States.
   3. A moratorium is out of question.
      a. France would get no payment from Germany and would even be asked to contribute to a loan to Germany.
      b. The people in France, the pensioners, disabled, widows and orphans, would suffer if payments were not forthcoming.
      c. The United States is asking France to pay for the cost of her army of occupation.

II. The French occupation was wise, good, and just.
   A. The action was legal under the terms of the Treaty of Versailles, articles 17 and 18.
      1. The Reparations Commission notified the interested parties of default of wood and coal deliveries, and Germany notified Allies of her inability to make cash payment due.
      2. France took up with the Italians and with the Belgians the question of steps to be taken.
   B. There were just economic grounds for the action.
      1. France had reason to believe occupation would result in the payment of reparations.
         a. There was no will to pay in Germany.
            (1) The Treaty was felt to be unjust and the evasion of its terms justified.
            (2) The history of the reparations has been a series of defaults, requests for moratorium, and declarations of inability to pay.
            (3) The German budget shows evasion of the terms of the peace treaty, in that it is only one-third that of England or France.

(4) German taxes are inadequate, the capitalists and industrialists who are best able to pay, being taxed little.
(5) The depreciation of German currency was brought about by her own action.

b. The will to pay can only be created by force.
(1) It is the only argument they understand; they were taught it in their schools, universities, military life, industrial and social life.
(2) The Germans did not complete their disarmament for two and a half years—until the threatened invasion of the Ruhr.

c. The Ruhr is a vital industrial district to Germany and its occupation is developing the will to pay.

C. Germany can pay.
1. There is now more economic activity than at any time since the war.
a. Factories are working full time, improvements are being made, railroads are busy.
b. Unemployment is low.
c. Vast capital is being invested in internal speculations.
(1) Railways, ships, housing.
2. The Ruhr itself is a tangible asset.
a. It is worth seven times more than the mines in the Saar valley.

D. It is a decisive step to putting an end to the reparations question which has been causing most of the trouble in Europe at this time.

NEGATIVE

I. The French invasion of the Ruhr is not justifiable.
A. France's true motive was not to collect reparations.
1. The French Chamber of Deputies recently passed a bill providing for a loan of 400,000,000 francs to Poland for military purposes.
2. She refused the German offer made in 1921 to rebuild every portion of the devasted area of France with German material and German labor.
3. France has gained nothing so far by her invasion.

B. France's real motive is political, for the purpose of weakening Germany.

1. Statements of the French Foreign Office and speeches and writings of French statesman point to this.
   a. Clemenceau, at the Peace Conference.
   b. Briand, at the Washington Conference.
2. France negotiated a secret treaty with Russia during the war providing that Russia was to support her in an attempt to annex the left bank of the Rhine.
3. She has officially stated the fifteen year period for which she is privileged to occupy the territory will not commence to operate until Germany has fulfilled all her obligations, and these cannot be fulfilled for a long time.
4. The occupation has served as a cloak to a number of revolutionary projects directed toward the severing of the Rhineland from Germany and its establishment as a buffer state.
   a. The Rhennish rebellion.
   b. The Dorten rebellion.
   c. During the revolt of the Spartacists in 1919 France attempted to prevent Germany from sending troops to restore order.
   d. France supported Poland's claim for Upper Silesia because it contained valuable German coal deposits.
5. France is definitely establishing herself according to the policy outlined by M. Dariac.
   a. She has expelled public officials and taken over a large amount of political and financial control.
   b. She has established a blockade.
   c. She has placed a customs barrier on the border of the Ruhr.
   d. Her next aim is the detaching from Germany of a free Rhineland under the military guard of France and Belgium.

C. The plan of France is self-defeating on the issue of security.

1. It is contrary to international justice, as was the case when Germany took Alsace-Lorraine, and will inevitably lead to the same ends.
2. It is contrary to the interests of Britain and the United States, and every neutral nation, and robs France of the friendship and support of her Allies which is her greatest need.

II. The policy of France is self-defeating on the issue of reparations.

A. Germany is not able to pay.

1. Impartial authorities have so stated.
   a. Sir John Bradbury, the British representative on the Reparations Commission has stated most definitely that Germany cannot pay now and must have a moratorium if she is ever to pay.
   b. The United States unofficial representative, Mr. Boyden, has stated the reparations have always been too high and that Germany was not in a position to pay.
2. In agreeing to the scaling down of the reparations at the Paris Conference France herself admitted the German inability to pay the full amount.
3. The French demand that Germany should pay before she has a chance to recover has been sweepingly condemned by the British Prime Minister, Bonar Law.

B. Coercion has not been successful.

1. Germany is determined to resist unjust demands.
2. Coal has not been mined.

C. The economic blockade is defeating its own end.

1. Its purpose is to collect reparations from a productive Germany.
2. Its method is to make the chance of reparations less than before.

a. If it forces Germany to submit by throttling production and ruining her financially, Germany cannot pay.
b. If Germany is not forced to submit and not ruined financially she need not pay.

III. The British plan would best enable France to attain her ends.
A. It proposes a four-year moratorium.
1. This would give Germany a chance to build up her industries and reestablish her foreign trade so that a balance will exist from which reparations can be paid.
B. At the end of four years action will be taken by all the Allies together if Germany defaults.
a. This will give her sanction for collecting the debt and enable her to retain the friendship of other nations.

FRENCH OCCUPATION OF THE RUHR VALLEY

UNIVERSITY OF BRITISH COLUMBIA

versus

UNIVERSITY OF CALIFORNIA

FIRST AFFIRMATIVE

A. E. Grauer, British Columbia

MR. CHAIRMAN, LADIES AND GENTLEMEN: Speaking for my colleague and myself and for the students of British Columbia University, I wish to heartily re-echo the cordial welcome which Mr. Chairman has so well expressed. We wish the debaters from California every success in this their first visit to British Columbia except perhaps in the debate of tonight. The question which we will debate tonight is: Resolved: That France is justifiable in her occupation of the Ruhr Valley, and we understand this to mean that in occupying the Ruhr Valley, France has done what wise and good men would do and that therefore the occupation by the French is justifiable and is in the best interests of France herself, and also the best interests of the world as a whole. If this is so, the action of France is surely justifiable and it was the duty of the French statesmen to order the occupation of the Ruhr. During the war the Germans willfully destroyed French land and industries in the belief that they would have the start on France's industrial life. If the Germans are allowed to escape the consequences of such a cold blooded action, what about future wars? The French representatives insist that to leave this crime unpunished would be so absolutely detrimental to international relations that lasting peace would be impossible. Furthermore, the future of Europe depends upon the sanctity of treaties and payment of debts. If conditions are allowed to go on in this way, how can we expect friendly relations to exist among the nations in the future? Did not Great Britain threaten Germany to the point of declaring war in 1914 to keep sacred her treaty with Belgium?

Then is France not justified in insisting upon Germany paying her reparations and insisting upon protection? The occupation of the Ruhr stands for international justice and for the sanctity of treaties and for the sanctity of debt, which is undoubtedly to the good of the world, and therefore it is justifiable.

Let us now turn to the consideration of the national interests of France herself, and we must first recall to memory her history. The war began and was ended inside France's own boundaries. For the second time in fifty years France has been used as a battlefield by Germany; her lands devastated, her people killed, her country suffering privations. She knows what this all costs, through no fault of her own. France did not get her rights by the Treaty of Versailles. And while we consider France as an industrial country, we might also consider the military strength which would be necessary to protect her against another such invasion as in 1914. The condition we have in France is an overwhelming one. France's losses of her men and property have been greater than those of Great Britain, Belgium and the United States. Her men, one million five hundred thousand killed, three million eight hundred thousand wounded—over 55 per cent of her young men between the ages of nineteen and thirty-five were killed and thus millions or more families are forever lost to the cause. Her devastated areas—four thousand destroyed towns and villages, an area which provided 25 per cent of the French taxes lie devastated. Thirty-three per cent of her coal production, 70 per cent of her sugar beet production, 90 per cent of her steel production, 94 per cent of her woolen mills—all are gone—one million four hundred thousand cattle were killed, three thousand miles of railroad were torn up. If this had been in the United States it would have meant four million men killed, ten million men wounded, all her industries from the Atlantic seaboard to Pittsburgh would cease to exist. France's cup of suffering is filled to overflowing.

We must also consider another angle of this question. Today France is on the verge of bankruptcy—her debt has increased from 36,000,000,000 to 300,000,000,000 francs. Her war cost is 150,000,000,000 francs, damage amounts to 200,000,000,000 francs. Since the armistice France has spent 9,000,000,000 francs. Germany has agreed to pay the full amount but France has received only 6,000,000,000 francs. It is not hard to see what a burden is left for the French taxpayer to bear. Before the

war the French investors loaned their money to the Balkan States and received very good returns—today this income of 3,000,000,000 francs has been taken away and they receive practically nothing from this source nor will they do so for some years to come. Before the war, France produced luxuries of all kinds. These are the trades that will be hurt due to the poverty in Europe, and prohibition in the United States. Such is the condition of France, with no hope of financial assistance from her Allies. There is but one bar between France and bankruptcy. Take away that hope and the whole financial system of France crashes to the ground. This is why France demands payment of the reparations. Her need for reparations is greater because upon her reparations depends her security.

We have seen that France wanted two things—first, military security, and second, prompt payment of reparations. Why does she want them? Because on these two things depends her life or her death. We have seen that France has failed to get military security from her Allies. What then is the situation in regard to reparations? The reparations made by Germany are entirely different from those in any other war. In 1871 France had to pay Germany in reparations 33 per cent for the cost of war and 70 per cent was pure profit to Germany. When making terms with Germany in this war no one thought of taking a profit, even the cost of the war was excluded. What France is asking for today is to make reparation for damages done, to pay for pensions and for reconstruction. The work of reconstruction has to be done, pensions have to be paid, so that if Germany fails to pay these reparations, France will have to pay them herself, for she cannot leave her devastated regions in the state they are in. The total cost of pensions and work of construction is approximately 200,000,000,000 francs. The reparation charges have been cut down until its present amount is only 80,000,000,000 francs, so therefore, even if France collects the whole 80,000,000,000 francs, the French taxpayer will still have to pay 120,000,000,000 francs—the whole of the pensions and at least one-fifth of the cost of restoring the devastated areas. So here we find that the French taxpayer has to pay a larger part of the reparations than Germany itself. If the French taxpayer has to pay any more he will collapse. Is it any wonder if he becomes impatient? Do not conditions justify prompt action?

It is a case of the payment of the reparations or bankruptcy. Here is France with no prospect of military security and no prospect of help from the United States. Again and again France has tried to do something, again and again she has tried the plan of reducing the reparation sum, but what has been the result? On the one hand Germany tries no harder to pay this reduced mount, and on the other hand Great Britain is advising France to reduce the reparations. The words of the proverb are surely true—"To him that hath shall be given." France has reduced the amount of the reparations. If the Allied debt were cancelled this is probably the one plan that would put Europe on its feet, and why cannot that be done? It was a common war against a common enemy. Why should France be overburdened with this debt because it was not munitions and supplies that she gave but men, millions of men? However, Great Britain and United States did not accept this proposition, and France had to try some other course. A moratorium was suggested by which Germany was not to pay anything for four years. France would get no payment from Germany and would be even asked to contribute toward a loan to be made to Germany. But what was going to happen to France during this period when Germany was paying nothing? What would this moratorium mean to the people in the devastated areas? It means four years more of waiting after five long years of warfare. What would it mean to the pensioners, the disabled, the widows and the orphans? It means no payment for four years or starvation unless some one pays reparations. The United States is asking France to pay for the cost of her army of occupation and is not even suggesting a moratorium. I wonder if the people who put forward such impossible propositions—I wonder if they have ever thought of the condition of the people in France. If a moratorium is out of the question, what other alternative is left open for France? She has followed the only other course that was left open to her to make Germany pay. She followed the only course to make her nationally secure, she followed the only course that was justifiable.

At the close of the war the Treaty of Versailles was signed. During the war it was through the combined efforts of Great Britain, France, the United States and other Allies that Germany was forced to yield in 1918. But in order to force

Germany to yield they blockaded Germany and that blockade was carried out with the complete accord of all the Allies; and certainly if it was right to use force to win the war, and to use force to make Germany sign the treaty, how can it now be maintained that France is wrong, wrong to make Germany pay her debt according to that treaty, when it is only a question of using the only course which will work? What other course can France use if she is to make Germany pay? France who has lost one million five hundred thousand men who were killed, three million eight hundred thousand men wounded, hundreds of her towns and villages in ruin! What other course offers security for those principles for which her soldiers and ours fought and died?

FIRST NEGATIVE

B. E. Witkin, California

Mr. Chairman, Ladies and Gentlemen: The first Affirmative speaker and the chairman wished us success, excepting in the debate and we heartily reciprocate those feelings; we wish the Affirmative success in everything but the debate. We feel that the Affirmative have discussed the case as we would discuss it; we feel that there is much to be said for France—she has suffered terribly in the war, and in this debate we are going to consider mainly what benefits may or may not result to France from her invasion of the Ruhr. That is our primary motive. The speaker for the Affirmative stated that France wants two things; first, security, and he places it above anything else. Reparations, he says, is her second aim, and it is our purpose to show that not only has France not gotten reparations, not only has she put off the hope of reparations indefinitely, but she has lost whatever chance she has had to gain the really vital security which is her greatest need. The gentleman spoke of the devastation of France. He said that France must rebuild her devastated area, but that she cannot do it alone; Germany must help her. Germany offered in 1921 to rebuild every portion of the devastated area of France with German material and German labor. France refused that offer. The gentleman spoke of France's financial conditions, saying that France is on the verge of bankruptcy and her only hope is from reparations. One or two weeks ago the French Chamber

of Deputies passed a bill providing for a loan of 400,000,000 francs to Poland for military purposes. These are things which we must consider in looking at the case of France, we must see whether she is acting honestly and fairly. She has undoubtedly suffered great injury, but we must see if she is now acting for her own best interests and we are going to consider strictly that point in this debate.

The gentlemen further stated that if we had the right to use force in 1918 to make Germany sign the treaty, it is right to use force now to make her carry out its terms. Does he mean to say that because it is right to use military force in time of war, it is right to use that force in time of peace? That France has the right to invade a peaceful and disarmed nation without a declaration of war? The conditions are certainly not analogous.

Turning now to the constructive case of the Negative: We are going to take up in this discussion two main considerations. First, what is the true end of France; and second, how can that end be considered justifiable? We cannot accept the simple explanation which our Opponent offers to us: that France entered the Ruhr to collect reparations to which she was entitled, and we submit that in view of the facts of the loan to Poland, the refusal to accept the German offer to rebuild the devastated areas, and the obvious fact that France has gained nothing so far by her invasion, that this explanation is not sufficient. We also point to the innumerable statements made by the French Foreign Office which point conclusively to another end, and one which does little credit to France. France is afraid of Germany; she wants security; and that aim has been the theme of more speeches and writings of French statesmen than any other subject in the past few years. More than that, it has been the cause of a number of official actions of the French government.

Clemenceau, at the Peace Conference, made this point more than once. Briand's famous speech at the Washington Conference, in defense of France's submarine demands, was nothing but a confession of that fear of Germany.

During the war, France negotiated a secret treaty with Russia providing that Russia was to support France in a contemplated attempt to annex the left bank of the Rhine. At the Paris Peace Conference, France strove to carry out this plan,

but failed due to the opposition of Great Britain and the United States. But she received something almost as satisfactory from her point of view—the right to occupy the territory for fifteen years. Recently the French government has officially stated that the fifteen years period will not commence to operate until Germany has fulfilled all her obligations, and certainly these obligations cannot be fulfilled for a long time. France, then, is in the Rhineland for a more or less permanent stay.

Of what use has this occupation been to France? Certainly the expensive quartering of thousands of troops in the region has served no legitimate purpose. But it has had an extensive use nevertheless. It has served as a cloak and protecting hand to a number of revolutionary projects, all of them directed toward the severing of the Rhineland from Germany, and its establishment as a buffer state. Such a severance of the productive Rhineland would take from Germany one of her richest areas, leaving her considerably weakened economically.

A brief discussion of the more important of these separationist movements will serve to illustrate more clearly the reason for the French occupation of the Rhineland. On May 21, 1919, a republic was proclaimed in the Palatinate, comprising a large portion of the Rhine region. The next day, in a public manifesto, General Gerard of the French army of occupation announced that he would do all in his power to further the aims of the revolutionists, and forthwith commenced to carry out his word by expelling from office German officials who had opposed the attempted civil war. This was the so-called Rhennish rebellion.

The Dorten rebellion was a much more carefully planned affair, and its aims were more comprehensive. It contemplated the separation of all the Rhineland, including the Ruhr basin. The plans were made with the sanction of General Mangin of the occupying army, and an attempt was made by him to secure the approval and aid of the American army of occupation. Both of these movements, however, were artificial; they began and ended with French military support.

There have been other evidences of this aim of France. When the Spartacists revolted in the Ruhr in 1919, France attempted to prevent Germany from sending her troops to restore order. France supported Poland's claim for Upper Silesia, because Upper Silesia contained valuable German coal

deposits. It is quite evident that these actions were for political reasons; they were for the express purpose of weakening Germany.

Now how does this particular invasion fit in with the general French policy toward Germany? We are fortunate in having a definite and official indication of this in the report of M. Dariac, president of the Finance Commission of the French Senate, to Premier Poincaré, by whom he was sent to investigate conditions in the Ruhr. This report was published in the Manchester Guardian of November 2, 1922. After a thorough discussion of the situation, he summarizes the French policy as follows:

> We cannot demand that Germany shall pay enormous sums for thirty-five years, and on the other hand we are afraid of seeing her industries develop in the proportion which would permit her to assure the payment of the debts. . . But so long as we are on the right bank of the Rhine . . . we shall be in a position to play a decisive part in the German metal industry, demanding a control of production in return. . . And no doubt this will be the solution of the future. . . The first act of this policy is the financial organization of the Rhineland: a customs barrier placed on the east facing Germany and razed on the west facing France. . . The second act is the replacement of Prussian by Rhenish functionaries. The third is the extension of the powers of the High Commission, and the convocation of an elected assembly. . . A well thought out course of action which, little by little, will detach from Germany a free Rhineland under the military guard of France and Belgium.

Of the three steps contemplated by this policy, France has already taken two. She has raised the customs barrier, placing a 40 per cent tax on all articles going from the Ruhr into Germany, with no such tax on articles going from the Ruhr into France. She has expelled right and left the public officials of the Ruhr; and it was recently reported in the press that all German heads of communities except two have been removed. The third step is one which, as Dariac points out, will take time; it is a step that will be slowly and definitely followed out as France continues to advance into the Ruhr and as she makes her position more secure. We must certainly admit that in these few short weeks she has definitely established herself; she has taken over an enormous amount of political and financial control; she has established a blockade; she has placed a customs barrier on the border of the Ruhr. She has done all these things with the aid of her invading army,

and she will probably continue along that line until she realizes her aim: the severance of the Ruhr from Germany.

What, then, is all this going to get for France? We must remember that France wants security; we are told that French security must come before everything, even the peace of Europe. Now let us grant for this debate that this is a justifiable stand, and then let us see how much security France has gained by her action. It is interesting in this connection to consider the case in 1871 when Alsace-Lorraine was taken from the French. What was the result of this seizure of French territory? A bitter hatred of Germany growing up in France, a definite desire for revenge, a desire that justice should be established and that Alsace-Lorraine should be taken back from Germany; and in 1914 the conditions were reversed. Now France is facing a similar situation; now she is in the Ruhr and is determined to hold Germany's most productive area; for how long a time, we do not know. The same results must inevitably follow, and they will not be the results France sought after.

What can guarantee to France the most security? Is it her domination of Germany, or is it the friendship and support of her Allies, those who fought with her and for her during the war, and those who since the war have been making efforts to secure her protection? And what is happening to that friendship and support? Let me briefly review the attitude of France's principal Allies. First, take the United States. The American army of occupation has been withdrawn, a definite action pointing to this conclusion: that the United States disapproved of the use of force and that she did not want to see the renewal of the conflict of 1914. Secretary of State Hughes, in his New Haven speech to the American Historical Association, said that forcible measures would bring results which could not be forseen, and that the time for forcible measures had not come and would not come for a long time. And the attitude of Great Britain is familiar to you all. Former Premier Lloyd George has denounced the invasion in the press; Premier Bonar Law has deplored the action; and the four major parties in Parliament are denouncing it. America and Britain, then, are opposed to the French policy.

Where, I repeat, does France's greater security lie? Does it lie in the domination of Germany, in the temporary detachment of her key territory, and in the consequent crippling of

her industrial life? Does it lie in the insecure situation of France, living next to a neighbour always ready to spring at her throat if the chance arises? It is obvious that this will never result in lasting peace or security for France. Her greatest need is for the friendly backing of her powerful Allies. France has thrust that aside. She has not heeded the protests of the United States and Great Britain. She is gradually forcing the world to turn against her by her unwarranted invasion of the Ruhr, and if the result is the loss of that friendship and support which is her greatest need, then the action of France cannot be considered to be justifiable.

SECOND AFFIRMATIVE

H. M. Cassidy, British Columbia

Mr. Chairman, Ladies and Gentlemen: I do not wish to deal with the assertions of the first speaker of the Negative for the present except in regard to one statement he made to this effect: that the action of France constituted a military invasion of the Ruhr and was an act of war. I will deal with that in a moment. My colleague has pointed out the difficult situation which faced France. He has shown you what the losses of France were during the war; he has shown you how her financial stability has been undermined—the great expenses which she has had; and he has also shown you the only way France could reconstitute her economic rights and her economic life, and he has shown you why she had to use force to collect her reparation claims. I am going on to show you that this course of France was a wise thing, was a good and just course and one that can be justified before the world. First, let us consider the legal aspect of the question. France based her legal claim on Articles 17 and 18 of the peace treaty. Article 17 states that in case of any default in payment of reparations by Germany, the Reparations Commission shall notify the interested parties; and Article 18 provides, in case of default by Germany, that such steps may be taken to collect the same as may be determined to be necessary under the circumstances, and shall not be considered by Germany as acts of war. On December 26th, 1922, the Reparations Commission made the declaration that Germany was in default of wood deliveries for 1922; On January 10th that Germany was in default of coal deliveries for 1922, two million tons short; and the German

government had also notified the Allies that they could not make the cash payment due in January of this year. So the French took up with the Italians and with the Belgians the question as to what steps would be necessary under these circumstances. In the economic and military occupation of the Ruhr Valley, France was exercising her legal right created under the terms of the peace treaty, the Treaty of Versailles.

Now what economic ground had France for taking this action? Had France any reason to believe that the use of force in the occupation of the Ruhr would result in any payment of the reparations on the part of the Germans? I say yes, and when I have established that point, I shall have shown very just economic grounds for the action that has been taken by France. In the first place, there was no will to pay in Germany, and in proof of this I will submit a few well known facts. It is notorious that the Germans considered the peace treaty unjust and that they felt it was quite all right to evade its terms if possible; that they could evade the reparation clauses with impunity. A German newspaper has recently stated that the Versailles Treaty was unjust and that Germany was under no obligation to carry out its terms. Their actions bear out that state of mind. There has been no honest attempt on the part of Germany to pay her just claims; the history of the reparations so far as Germany is concerned, has been one of a series of defaults and requests for a moratorium and cries of their inability to pay, and in January a direct notification to that effect, to the Allied powers. While all this talk has gone on there has been on the part of the government wild budgetary extravagance, mismanagement and bungling, unnecessary expenditure, inadequate taxation. An article of the peace treaty stated that the German budget must be at least as high as that of the Allied powers in which it is the highest. Here are the 1921-1922 budgets of the three great powers in dollars: German budget $700,000,000; Great Britain $2,500,000,000; France $2,500,000,000. The German budget is only one-third of that of England or France. My authority for this is Professor James, writing in the Annals of the American Academy in 1922 we have also the figures published by the Bankers Trust Company of New York showing the per capita tax in 1921-1922 for Germany, France and Great Britain. We find that Great Britain paid $72 per capita; France, $36; Germany, $8. The proportion of the income tax collected in 1921-1922 in Germany

was 32 per cent, in Great Britain 43 per cent and in the United States 54 per cent. In Germany practically no taxes are paid by the capitalists and the industrial classes, the classes of the community best able to bear these taxes. Does this look as if Germany is taxing her people to pay off her just reparation dues? Another thing is in connection with the greatly depreciated German currency. I shall make no comment excepting to state that it has been brought about by her own action and not by foreign exchange affairs. The conclusion from this evidence and of more evidence that I might quote is that Germany has not made any honest effort to pay her just reparation dues. I have established the fact of there being no will to pay her obligations; hence that will to pay must be created, and how can that will be created? It is very obvious. Force is the only method—other methods have been tried and have been found wanting, and force in this case is very well fitted to be used against the Germans, for force is the only argument the Germans understand. Germans have been brought up on the worship of force, they have been taught it in their schools, in their universities, in their military life, in their industrial life and in their social life, and the German respects force in the hands of his opponent as much as he worships force in his own hands. Germany did not complete her disarmament for more than two and one-half years; not until the ultimatum of May, 1921, which threatened the invasion of the Ruhr—then she disarmed.

In this particular case, the invasion of the Ruhr is the best means of applying force by the French which they have at hand. It is only about 1 per cent of the German territory yet in that same Ruhr district is contained a great part of the vital industrial life of Germany, 60 per cent of her coal production. All the German industries of any importance have great stakes in the Ruhr, so the French may be very sure that the invasion of the Ruhr is about the best means they have to provide the force in Germany that will create the will to pay. And I think they already have justification, for the will to pay is coming slowly but surely. According to the speech of Chancellor Cuno reported in the current issues of the newspapers; Germany is willing to pay just reparations. It is ridiculous to say that Germany cannot pay. No one can deny that the use of force has been an excellent method to create the will to pay, and that the effort to pay will follow; so even if

the step is a gamble, the French are justified in taking it. The stakes for France are her life—if she wins, she will receive security; if she loses she will not be any worse off than before.

Germany can pay—in Germany there is now more economic activity than at any other time since the war. Factories are working full time, improvements are being made, railroads are busy and everything of that sort. Take their unemployment figures: In 1920—three hundred and sixty-six thousand; 1921—Four hundred and ten thousand; 1921—three hundred and ten thousand in July; 1922—fifty-one thousand in May; 1922—forty-three thousand in September. England at the same time has had as many as two million five hundred thousand unemployed, the United States, three and four millions. Does this look as if Germany was an impoverished nation, one that cannot pay her just debts? In addition to this is the vast capital invested in internal speculations. In Germany last summer a new underground railway was built and you see building going on everywhere; shipyards are particularly busy. At Kronstad she has double tracked a railway, her rolling stock has been restored and housing schemes have been effected which would turn the other nations green with envy. My authority is the Independent, 1923. Does this look as if Germany is unable to pay her reparation debts?

The Ruhr itself is an attractive asset. The mines are worth seven times more than the mines in the Saar valley. Thus France has gained something very tangible in her actions. She sees that by taking this step she has an excellent chance to obtain the full amount of her reparations due from Germany. She sees that she practically has a certain chance of getting these reparations and she sees in the Ruhr itself, which she will occupy temporarily, a very tangible asset. Finally the action of France was justifiable because it is a decisive step to putting an end to the trouble which has been causing so much economic strife and turmoil in the world,—the reparations question, which is the cause of most of the trouble in Europe at this time.

SECOND NEGATIVE

A. E. Murphy, California

The speakers for the Affirmative have now concluded their constructive argument and we are in a position to sum up their case as it stands. The first speaker pointed out two motives

that France had for entering the Ruhr. The first was the desire for security, the second for financial stability. To justify the first motive he cited the fact that France has been invaded, and the speakers for the Negative would not deny that fact. He also pointed out that France was in need of protection, and that if Germany were allowed to go free France would not have such protection. The strength of that argument rests on the assumption of a false alternative—that France either had to invade the Ruhr or let Germany go entirely free. We of the Negative have another solution for the problem and one with which the speakers for the Affirmative should be fairly familiar, the so-called British plan, a proposal which could hardly be called pro-German by either side. But not only is it not true that the invasion of the Ruhr was the only alternative to complete German success, it is in fact a very bad alternative, for attempted military domination as a means for self-protection must of necessity align against France the interests of the whole civilized world. We have shown that the French action is contrary to the interests of Britain and her Dominions, to those of the United States and of every neutral nation, and that it is as contrary to international justice as was the action of Germany when she annexed Alsace-Lorraine and will inevitably lead to the same results as that German policy of "security" which seems to be the model for the present action of the French. Such a plan defeats itself and defeats France.

The next point was financial stability and it will be my purpose to go into this matter as it has been discussed by the second Affirmative speaker and to point out that not only on the issue of security but also on that of reparations the policy of France is self-defeating. The second speaker told us that the economic occupation of the Ruhr was both wise and good and supported his statement by quoting some paper published, I believe, in Central Germany, to the effect that the Treaty of Versailles was unjust and should not be observed. Such a statement hardly proves the total depravity of the country from which it emanates for I could give you much more drastic statements to the same effect from Ramsey MacDonald, leader of the opposition in the House of Commons, and John Maynard Keynes, a British representative at the Peace Conference. The point to keep in mind, howver, is that unofficial statements, whether they come from Germany or Great Britain, are hardly ground for a military occupation, indeed we should all be in a

rather dangerous position if they were. The German government is the only responsible authority on the attitude of the German government and Germany has never refused to pay reparations in so far as she has been able to do so, nor had she repudiated the Treaty of Versailles at the time of the French invasion. The issue is whether or not Germany was able to pay, and that issue we must now consider.

The second speaker for the Affirmative has given us a long list of figures which I must admit my inability to discuss in detail. Frankly, we of the Negative are not experts on the financial situation in Central Europe, but happily we may turn to certain impartial authorities who are in a position to speak from first hand knowledge, in a better position certainly than the speakers for the Negative—perhaps even than the speakers for the Affirmative. Take the statement of Sir John Bradbury, the British representative on the Reparations Commission, who voted against the occupation of the Ruhr and has stated most definitely that Germany cannot pay now and must have a moratorium if she is ever to pay. We may also cite Mr. Boyden, the unofficial representative of the United States, who stated that the sum total of the reparations had always been too high and that Germany was not in a position to pay because unjust demands had been made upon her. But if these authorities seem too pro-German, let us turn to France herself. At the Paris Conference last December France officially agreed to the scaling down of the reparations demands. Why was this action taken? Certainly not because the French felt that less money was due them than they had formerly claimed. France herself had seen that all that she demanded could not be obtained and therefore the total amount had been reduced because of the general recognition of German inability to pay. But perhaps the most sweeping condemnation of all comes from your own Prime Minister, Mr. Bonar Law, and the real economic issue can best be stated in his words when he said that while both Britain and France were agreed that Germany must both recover and pay reparations, the British proposal was that she should pay after she had a chance to recover, while the French demanded that she pay before. We leave it to you to decide which policy is more likely to be fruitful from an economic point of view.

But even if we should grant that France was abstractly right in demanding money that every impartial authority on the repara-

tions commission declared could not be paid, how can she justify her policy practically?—for that surely must be the test of an economic policy whose motive, as the Affirmative has told us, is financial stability. What success could be expected and what success has been achieved by the plan of digging coal with bayonets? The Affirmative would have us believe that coercion has already been successful, and they quoted Chancellor Cuno to the effect that Germany will not pay just reparations. But Germany has been saying exactly that for the last three years and it has been said no more decidedly since France went into the Ruhr than before. What Cuno went on to say, however, in the statement which the Affirmative quoted in part, was that Germany would not submit to the unjust demands that France was making and that not even efforts of mediation could soften that resistance which Germany has been making to the demands of France.

What then is France going to do? The speakers for the Affirmative have dealt in generalities on this point, let us be more specific. France went in to collect reparations—we were told that the motive was entirely economic and that Germany would not resist. France would simply collect the coal due her from the Ruhr. If that was the real purpose, the occupation has failed already, for German resistance did not permit a peaceful economic subjugation and the coal that was to have been mined so easily has in no case been forthcoming. Let me quote from a French authority, Andre Tardieu, who, as one of the framers of the Versailles Treaty and as finance minister under the Clemenceau government, would certainly not be inclined to favor Germany: "Everyone agreed that patience above all things was necessary for the struggle with German obstinacy, but notwithstanding many hoped that by some miracle the coal in the Ruhr would be converted into gold. Those who, like myself, saw great difficulties and the unlikelihood of any financial benefit were coldly received when we pointed out what to expect. Now there has been a disagreeable awakening everywhere."

As a result of this failure to get financial returns, what has been the second phase of the French occupation? It amounts to this—the erection of an economic barrier between the Ruhr and the rest of Germany which is to force Germany to submit by throttling production and making the financial condition of that country intolerable. Unless she can do this her plan to

break down German resistance is a failure. If she succeeds she has ruined Germany financially and yet her whole hope rests upon what Germany can pay. If Germany is not ruined financially she need not pay, if she is ruined she cannot pay, and in neither case does the result seem likely to be beneficial to France. France wants Germany to work and produce and in order to make her do so is carrying on an economic blockade whose effectiveness depends on its power to check production and make the desired reparations impossible. The plan is hardly a logical one, to say the least.

How does this concrete contradiction in policy agree with the claims of the Affirmative? The first speaker insisted that France wanted reparations at once, but is she getting them at once? Is she placing Germany in a position to pay by enforcing a blockade which has already caused a cessation of all payments and is checking and paralyzing all Germany? The second speaker placed a great deal of stress upon the prosperity of Germany as indication of her ability to pay and quoted unemployment statistics for the past few years to show that conditions were improving. I wish we had been able to hear the unemployment statistics for February and March of this year since the occupation has caused strikes in the Ruhr and shutdowns in the rest of Germany. If the prosperity of Germany as measured by the conditions of employment is a criterion of her ability to pay, then it is simply undeniable that Germany is far less able to pay than she was before the occupation—the economic blockade is defeating its own end, for its purpose is to collect reparations from a productive Germany and its method is to make production and consequent payment impossible for years to come. Thus we can see that not only on the issue of security but also on the issue of financial stability the French policy must defeat itself. By entering the Ruhr she has gained a strip of territory from which, as Tardieu admits, she cannot expect financial benefit, and she is holding it at the cost of ruining her source of future reparations by an economic blockade and alienating those friendly powers on whom her future security must depend. The chance for reparations now is even less than before, and the chance for reparations in the future is tremendously reduced.

In contrast to this, what did the British plan, the plan that the Negative is advocating, propose? First, a four-year moratorium so that Germany would be in a prosperous condition and

able to pay. If Germany refused to pay at the end of that time action must be taken, but taken by all of the Allies together, so that if there is a future default France will have the support of all the Allies in bringing Germany to terms. Just compare the two plans. First in regard to production—the British proposal gave Germany a chance to build up her industries and reestablish her foreign trade so that an actual balance will exist from which reparations can be paid. Second, in regard to security, France would have the united support of the Allies against unjust German refusals to pay. First the ability to pay, then the sanction for collecting the debt. As a financial measure such a plan has much to recommend it. But France demands immediate payment, and would collect at once. Her means of collection is a concentrated blow at German production which has already resulted in the depreciation of both the franc and the mark and the strangling of industrial Germany. And what about the sanction? When Germany actually is able to pay France will have lost the support of England and United States, has lost them already, she must face a defiant Germany and her only weapon, as we have seen is one that necessarily defeats its own end. The Negative contends, therefore, that neither for the sake of security nor for financial stability has France been justified in the action she has taken.

FIRST NEGATIVE REBUTTAL

B. E. Witkin, California

The Negative has presented so far the two possible explanations of the French invasion of the Ruhr. The first was the disruption of Germany by detaching from her her most productive areas; and the second speaker of the Negative took up the economic end and showed you that it was self-contradictory. The Affirmative so far has not considered the political end; they have not attempted to explain any of the facts we have presented to them, which tend to show that this was the end which France sought; the facts of the separationist movements, the demands at the Peace Conference, and the working out of their present plans. We are compelled to assume therefore, that they are unable to do so. We are faced with this question, is the French policy political or economic? If economic it has been a failure, but if on the other hand it is political, every

move that France has taken in the Rhineland in the past few years was definitely directed to that end. But today as a consequence of this policy, France has lost the support of her Allies and will eventually lose their respect and any possible assistance she might wish from them in the future.

The second Affirmative speaker has objected to our calling this move a military invasion, claiming that it was not a military but an economic measure, the use of force to compel payment of reparations. But what are the facts? The French entered the Ruhr with a thoroughly equipped army that was supplied with everything from tanks to barbed wire. They have assumed control over the various towns in the district; they have deported in wholesale lots the important town officials; they have commenced an economic blockade for the purpose of starving the people into submission; they have raised a customs barrier making a dividing line between the Ruhr and Germany; they have suppressed newspapers and public meetings; and they tell us that even all of these things are not sufficient, for General Degoutte, commander-in-chief of the occupying forces, said in a statement published by the French Foreign Office on January 30: "Moderation is not a synonym of weakness, and those who think our patience is without limit make a grave mistake."

France then, is not satisfied with what she has done in the Ruhr. She means to go further; and all the actions have been taken and will be taken under the guise of what the Affirmative speaker contends is "just an economic measure."

There is one other point which we may take up in regard to the justice of this course from a legal point of view. The Affirmative has told you that the French based their legal claim for the right to invade the Ruhr on the Versailles Treaty. We cannot at this time discuss the treaty, but it is interesting to note France's own opinion of such measures when undertaken by another nation in a similar situation. When Roumania, one of the allied powers, entered Hungary in 1919 with a military force to collect reparations, the Paris Peace Conference sent her an ultimatum, ordering her to withdraw. In that ultimatum, signed by all the allied representatives including those of France, it was stated that they considered the "systematic seizures and removal of Hungarian property" as "contrary to all accepted principles of reparation"; and warned Roumania that her course of action was "fraught with danger to orderly restoration of

Europe." Now the shoe is on the other foot. France is doing the same thing that she, represented by Clemenceau, complained of in 1919; and if the peace officials sent this warning to Roumania, then the allied governments have a right to say to France: "you are not justified in taking this action, it is both military and coercive, and it can only result disastrously to European peace."

FIRST AFFIRMATIVE REBUTTAL

H. M. Cassidy, British Columbia

Mr. Chairman, Ladies and Gentlemen: I am going to deal first with the assertion made that France's action in entering the Ruhr was not to get security or to get reparations, but that her motive was purely political, that she wished to detach the Ruhr Valley from Germany. I wish to quote from an article which appeared in the Vancouver World written by a French statesman in which he stated that if France wanted to annex the Ruhr she would scarcely have aroused the hatred against herself in the occupied region. It is a fact that France strove for months to get British support. France is thinking primarily of money. Do you imagine for one moment that the Germans would feel like seceding from Germany and giving France large slices of Germany. In regard to the statement made by the first speaker of the Negative to the effect that the secessionists movements were fomented by the French, I would call the attention of my Opponent to the fact that as he did not give any backing to these statements I must submit that statements of this kind are of very little value.

The second speaker of the Negative has stated that I should have included in my figures the statistics of German unemployment for February and March of this year in the Ruhr. That very well bears out my point that the occupation of the Ruhr is the most effective means at the disposal of the French in creating that will to pay that is so necessary. There is unemployment in the Ruhr and this is a deliberate policy on the part of Germany of appealing to their workers and in providing maintenance while they go on strike. This has forced the French to decide that the policy of the German government is detrimental to the Ruhr district. Factories have been closed down, but there is a stronger power, even a stronger general

than the one who commands the French forces and that is old General Hunger; and when they are faced with privation and starvation we may be sure they will be glad to work for the generous wages offered to them by the French. We may be sure they will go back to work in the coal mines and that the coke ovens will be working again and their factories will be busy. My Opponent has not denied the statements made in regard to the investments in Germany's internal developments and he has failed to prove that Germany is prostrate even now. The speaker for the Negative gives certain opinions regarding Germany's inability to pay. I could give him dozens of opinions to the effect that Germany could pay. I do not give a few opinions, but I have attempted to give concrete facts for your respectful consideration.

SECOND NEGATIVE REBUTTAL

A. E. Murphy, California

We want to thank the speaker for the Affirmative for calling attention to my colleague's oversight in not stating his authorities for the fact that France had a part in the Rhineland rebellions. First in regard to the Rhennish rebellion. The authority for French intrigue in this case was Ray Stannard Baker in his book on "Woodrow Wilson and the World Settlement," volume 2, page 86. The facts in this work are based on documents supplied by President Wilson and should be authoritative. In regard to the Dorton rebellion the statement was taken from a report of General Leggett of the American army of occupation to President Wilson, an official document. We trust that the Affirmative will credit these authorities.

To continue with the rebuttal argument. The argument that France would not gain security, and was in fact seeking military domination, was controverted by the Affirmative first by the statement that our authorities had not been stated, and second by the assertion that the charge that the French occupation had a political motive was preposterous. The Negative is not entirely overwhelmed by this assertion for the reason that Premier Nitti of Italy makes the same assertion and Mr. Lloyd George goes further and calls the political pretensions of France the gravest menace that Europe has seen for centuries. Indeed, every single step that France has taken from the outset points

to the fact that her motive was political. That is the motive that we have suggested, and we have tried to show that it is not justifiable.

In regard to the economic motive, however, the Affirmative is in no better case. The speaker for the Affirmative has told us that their weapon is "old General Hunger," and I would like to ask him whether old General Hunger is really putting Germany in a position to pay reparations and whether, after old General Hunger has done his work, alienating from France the support of the civilized world, she will then be in a more favorable situation, economically or politically, than at present? In contrast with such a plan we have offered the proposal of Great Britain, in which no suspicion of the desire for military domination could have been raised against the French and by which a moratorium rather than starvation would have been the basis for German payment. France has rejected that plan and invaded Germany and we contend that such invasion is disastrous for the rest of the world and for France herself, because when one nation opposes the economic interests of the world, that nation is destined to failure.

SECOND AFFIRMATIVE REBUTTAL

A. E. Grauer, British Columbia

The first speaker of the Negative attributed to me the statement that France's chief aim was security. He must be thinking of some one else. This is what I said: France's first aim is for security, her need of reparations is still greater because on reparations depends her security. He bases the first part of his speech upon statements I did not make, therefore I claim that part of his speech is null and void. The last speaker quotes Mr. Lloyd George as an authority. In 1918 Mr. Lloyd George said "Hang the Kaiser and make the Germans pay." We of the Affirmative side have proved that France's action in invading the Ruhr is justifiable. The Negative have not hit at the fundamental basis of our arguments. Our claims rest on the following points—France's action is to the best interests of the world as a whole. We have shown you that France is on the verge of bankruptcy, that she must have reparations and that the occupation of the Ruhr was the only means by which she can get these reparations. We have shown you that

she is justified because her action is legal under the Treaty of Versailles. We have shown you that Germany has the means to pay according to the following points: 1. Great economic activity in Germany. 2. Absence of unemployment during the last few years. 3. Great capital investment in internal development. 4. Small number of bankruptcies. 5. No declaration of German taxation. 6. Increase in foreign investments in Germany. 7. Ease with which Germany has produced large amounts of cash to buy English coal now that her Ruhr supplies have been cut off. Economically or whatever way you wish to look at it, France is justified. France is morally entitled to these reparations. We have shown that this action on the part of France is to the good of the world because it stands for national justice, for sanctity of treaties and for sanctity of financial obligations. We have shown that it means a final solution one way or the other to the reparations problem which has been for the past four years the cause of all the turmoil in Europe. Therefore we maintain that France's action is justifiable and that the Negative have absolutely failed to destroy the fundamental basis of our claims.

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CHAPTER V

LIGHT WINES AND BEER

UNIVERSITY OF WASHINGTON

versus

UNIVERSITY OF OREGON

RESOLVED: *That the Federal government should legalize the manufacture and sale of light wines and beer.*

This is a stenographic report of a debate held March 1, 1923, at the University of Washington, between an Affirmative team representing the University of Washington, and a Negative team representing the University of Oregon. The decision was two to one in favor of the Affirmative. The report was secured thru the courtesy of Mr. H. H. Hielscher, Assistant Debate Manager for the University of Washington.

BRIEF

LIGHT WINES AND BEER

Definition of Terms

I. *Light wines* are those containing 7 per cent or less of alcohol.

II. *Beer* is the usual product with an alcoholic content of about 4 per cent or less.

III. *Legalize* means cease to consider illegal.

Affirmative

Introduction:

A. The debate is not concerned with how legalization is to be effected.

B. A convenient means would be for the Federal Government to amend the Volstead Act to permit the manufacture and sale of beer and light wines.

1. That would allow the people of each state to decide for themselves the advisability of taking such action.

2. The 18th Amendment would still be in effect, prohibiting whiskey and other strong drinks.

1. Some modification of our present prohibition laws is necessary.

A. The present laws are not being effectively enforced.

1. Drunkenness is increasing. This is shown by:

a. Police record figures in thirty cities, for 1920, 1921.

b. Statistics from fifty-six cities for the same period.

c. Arrests in Seattle in 1921 and 1922.

2. President Harding has characterized conditions relating to enforcement as the most demoralizing factor in our public life.

B. The present laws cannot be effectively enforced in their present form.

1. They are radically defective
   a. The constant breaking of the laws by otherwise excellent citizens testifies to this.
   b. They are contrary to the wishes of the majority.
      (1) They have always used and seen the best people use beer and light wines.
      (2) They deny the right of the government to prohibit them.
      (3) Their use causes them no physical injury, involves no danger to the nation, and is not immoral.
      (4) They consider them contributory factors to personal comfort and happiness.
   c. They are subversive of democratic ideals.
      (1) Prohibition of beer and wines is an injustice to the people of states where a majority want them.
2. The majority of people favor a modification of the present laws.
   a. Polls of the Literary Digest and Leslie's Weekly showed 62 per cent and 71 per cent in favor.
3. No law can be enforced against the wishes of the majority of the people.

C. The three years of attempted enforcement of the Volstead Act have brought disastrous consequences.

1. Crime has increased.
   a. During 1921 fraud and embezzlement, increased over 14 per cent, thefts and burglary 5 per cent, assault and battery 14 per cent, and murder nearly 12 per cent.
   b. This is due to the influence of whiskey obtained from the bottlegger.
      (1) Beer and light wines cannot be obtained.
      (2) The whiskey is inferior and harmful.
2. It has contributed to the use of alcohol among people who formerly were abstainers.
   a. Violation has become a social fad.

3. It has made us a nation of "home brewers." This is shown by:
   a. The sale, in 1921, of fifty thousand bales of hops in small packages.
   b. The sale of a corresponding amount of malt and malt compounds, also in small packages.
   c. Heavy shipments of California wine grapes and their increase in price and acreage.
4. It has been a breeder of a growing disregard for law.
   a. Violations of law have ceased to be regarded as crimes.
   b. This disrespect for law is a menace to the future.

II. Legalizing the manufacture and sale of beer and light wines would be the most desirable modification.

A. A majority of our citizens are in favor of it.
   1. All polls and straw votes give it majority support.
   2. Secretary of War Weeks testifies to it.

B. Their use is neither injurious nor immoral.
   1. They are not injurious physically.
      a. Physicians differ as to its effects, the majority asserting they have no appreciable effect on the health.
      b. European races, heavy users of wines and beer, have had splendid physiques.
   2. They are not injurious mentally.
      a. Many European men of genius were heavy users of alcohol.
      b. Some of our own greatest men have used it.
   3. They are not injurious morally.
      a. The best men of all time did not think so.
         (1) The men above mentioned.
         (2) Seven signers of the Declaration of Independence were brewers.
         (3) Jesus Christ was a user and turned water into wine.

C. Legalization would restore respect for law.
   1. It would put the people behind this and other laws.

D. It would not mean the return of the saloon.
   1. The saloon would never be the same evil without whiskey and strong drinks.
   2. Federal legalization would give the states liberty to deal with the saloon as they wish.
      a. No state would want the saloon again.
   3. Canada has shown the way to have liquor without the saloon.

NEGATIVE

I. No modification of our prohibition laws is called for.
   A. The 18th Amendment exists as the result of a well-defined demand.
      1. Sentiment has grown for one hundred and fifty years.
      2. Industry was for prohibition long before the 18th Amendment was passed.
      3. General public opinion was formed:
         a. By danger from autos.
         b. By conditions of drunkenness leading to poverty, misery, vice and crime.
      4. In 1917 thirty-four states, comprising 90 per cent of our territory and 65 per cent of our population, were dry.
      5. War time prohibition was successful.
         a. It disclosed the economic waste of alcohol in money and grain.
      6. The 18th Amendment received strong support
         a. It was passed by a large majority in Congress.
         b. It received an overwhelming vote in the states.
         c. It has been ratified by forty-six states.
   B. Prohibition is accomplishing what it was passed to accomplish.
      1. Conditions are better than in the pre-dry period.
         a. Industry has benefitted by decrease of absenteeism and increase of efficiency.
         b. Prosperity is increased by money diverted from alcohol to food, clothing, savings.
         c. There has been a decrease in drunkenness and its results, such as arrests, deaths from alcoholism, and poverty.

d. There has been a reduction in Neal institutes, delinquency, and poor house inmates.

2. These conditions are due to the reduction of whiskey consumption through prohibition.

C. The introduction of light wines and beer would mean the eventual repeal of the 18th Amendment.

1. The liquor interests and their associates are opposing the 18th Amendment.
   a. They have tried to have it declared unconstitutional.
   b. They have organized advertising campaigns to undermine the confidence of the people.
2. The real desire of the anti-prohibitionists is not for light wines and beer, but for liquors of high alcoholic content.
   a. Violations are confined to these liquors by all moonshiners, bootleggers, and violators.
3. The men whose existence depends upon liquor would not stop at the proposed limit.

D. The will of the minority, even if substantial, should be ignored.

1. They would throw the country back into the pre-prohibition conditions.
2. Minorities opposed to the best interests of the country should be overridden.
   a. This was established over the slavery issue.

E. Prohibition has not had time, as yet, for a fair trial.

1. Chief Justice Taft stated it would take ten years to try out the prohibition law.
2. It has been tried less than half that time.

II. The adoption of light wines and beers would not be expedient.

A. Conditions would not be better.

1. It has failed wherever it has been tried.
   a. In Iowa, Massachusetts, Georgia.
2. It has led to the final breakdown of all prohibition laws in the states where it has been adopted.
3. It has been declared unenforceable by the highest authority in the land—Chief Justice Taft.

B. The American people do not want light wines and beer today.
   1. There is no manifestation on the part of the American people for them.
      a. The Literary Digest poll was not conclusive as the number of votes were limited and it largely ignored rural opinion and the west.
      b. They do not have the support of the laboring people.
      c. The poll conducted by Leslie's Weekly was not a fair one.
   2. A poll among manufacturers showed 98.50 per cent for absolute prohibition.
   3. Violations are no proof.
      a. Only about 2 per cent of liquor previously made is made in the country today.
   4. The proposed modification has been defeated every time it has been voted on in the states.
      a. In Ohio, Arizona, Colorado, Oregon, Michigan.

C. It would be inconsistent to draw the line on light wines and beer.
   1. If the prohibition law has been a failure there is nothing to be gained by stopping at 7 per cent wine and 4 per cent beer.
   2. If it has succeeded in gaining approval to exclude all liquors but these, it is then desirable to try it a few years more and entirely stamp out the liquor evil.

LIGHT WINES AND BEER

UNIVERSITY OF WASHINGTON

versus

UNIVERSITY OF OREGON

FIRST AFFIRMATIVE

Paul Whipple, Washington

MR. CHAIRMAN, HONORABLE JUDGES, WORTHY OPPONENTS, LADIES AND GENTLEMEN: As you've just heard, the question for debate is "Resolved: That the Federal government should legalize the manufacture and sale of beer and light wines." Before proceeding with the discussion let us get clearly in mind just what this proposition means. We have agreed with the gentlemen from Oregon that "light wines" are those containing 7 per cent or less of alcohol; that "beer" is the usual product with an alcoholic content of about 4 per cent or less; and that "legalize" means "cease to consider illegal." Strictly speaking, this debate is not concerned with how the legalization is to be effected, but for the sake of clearness let me say that the easiest way would probably be for the Federal government to amend the Volstead Act to permit, as far as it is concerned, the manufacture and sale of beer and light wines. Remember, however, that such a change would allow the people of each state to decide for themselves the advisability of taking such action; it could in no way make it obligatory on the states to allow the manufacture and sale of those beverages if the people of the state did not desire to do so. The 18th Amendment would still be in effect; whiskey and other strong drinks would still be prohibited; only beer and light wines could possibly be manufactured and sold for beverage purposes.

We of the Affirmative shall rest our case on two main contentions: 1. That some modification of our present prohibition laws is necessary. 2. That legalizing the manufacture and sale of beer and light wines would be the most desirable modification. I shall concern myself only with the first contention, leaving the second

to my colleague. If I can prove to you that the present laws are not being effectively enforced; that they cannot be effectively enforced in their present form; and that three years of attempted enforcement have brought disastrous consequences which seem certain to increase as time goes on; I believe that you will agree with me that those laws should be changed. It shall be my purpose this evening to place that evidence before you.

If our laws prohibiting the manufacture and sale of intoxicating liquors are being enforced, drunkenness and the use of liquor should be rapidly decreasing. Such, however, is not the case. I have on my table, ready for the inspection of anyone interested, official statistics which prove incontestably that drunkenness instead of decreasing is actually increasing. The figures taken from the police records of thirty cities ranging in size from Kansas City with its one hundred thousand people to Philadelphia with nearly two million, show an increase of over 81 per cent in the number of drunken autoists arrested in 1921, over 1920. Violations of prohibition laws increased over 102 per cent. For the same year, statistics from fifty-six cities in every state in the union officially attest to the fact that drunkenness, and disorderly conduct arising from drunkenness increased over 36 per cent, drunken autoists over 62 per cent, and violations of the prohibition laws over 112 per cent.

To bring this appalling condition home to us, police records show there were over five thousand arrests for drunkenness in Seattle in 1921, and over seven thousand in 1922—an increase of over two thousand in the third year of prohibition. And remember, these figures represent not all the drinking, nor all the drunkenness, but only that which involved detection and arrest. So widespread is the failure to enforce our prohibition laws that President Harding, on the 8th of December, 1922, addressed Congress in the following words: "Constitutional prohibition has been adopted by the nation. It is now the supreme law of the land. But in plain speaking, there are conditions relating to its enforcement which savor of nation-wide scandal. It is the most demoralizing factor in our public life."

When millions of the citizens of this country in every sphere of life are continually condoning, aiding, and abetting the breaking of a Federal criminal law, paying money for the fruits of the transgressions of that law by buying bootleg liquor, making such criminal practices the subject of light jest in conversation, we

must inevitably conclude that one of two things is true: either these millions of otherwise excellent citizens are at heart criminally inclined, or the criminal law which they are so constantly breaking is radically defective, and should be changed. There is no other alternative. Between the horns of this dilemma the Negative must take their stand and fight. There is no escape. Can the Negative tell you of any other criminal law that is being so frequently violated as the Volstead Act? Can they point out to you any other law that is so habitually derided and laughed to scorn in public and in private among all classes of the people? Will they maintain that the millions who buy or make their own liquors would knowingly purchase stolen goods or counterfeit the currency of the United States, or so flagrantly violate any other criminal statute? Certainly not. Then it seems reasonable to assert that it is not the American people, so much as the Volstead Act which needs correcting.

We of the Affimative have no brewery stock, nor do we approve of the general violation of criminal or any other laws; but this law is being broken, openly flouted, every day, and there is no indication that it will ever lend itself to better enforcement. If a law cannot be enforced there must be some reason. The government makes other laws and they are observed. Why, then, can't the liquor laws be enforced? Because, in spite of the admittedly evil influence of the old saloon, and the harmful effects of hard liquor, too many millions of the population refuse to believe that the prohibition of all alcoholic liquors is necessary to the safety of the state. Too many millions have always used beer and light wines for instance, and have seen the best people of all time use them, without noting any signs of mental, physical, or moral degeneration as a result. They deny that their government has any right to prohibit their using these harmless beverages. Their use causes them no physical injury, involves no danger to the nation, and certainly is far from immoral; and their prohibition is an injustice to the people of states where a majority want them. My colleague will present to you evidence to show that beer and light wines are not injurious, that their use involves no danger to society, and that their use is in no way inconsistent with Christian morality. Otherwise I should adduce such evidence here. Millions of people believe with us that the 18th Amendment, if properly interpreted and enforced, would be an immense power for good, but they are convinced that the Vol-

stead Act is too drastic an interpretation of that amendment. They consider beer and light wines, if used in moderation, as the great majority use them, as contributory factors to personal comfort and happiness.

If you wish specific data on how large a portion of the American people feel this way, consider these figures with me. They are probably quite familiar to you. During the past year the Literary Digest conducted a nation wide poll on prohibition. Nearly a million votes were cast. Twenty-one per cent of them favored repeal of both the 18th Amendment and the Volstead Act. Forty-one per cent wanted beer and light wines; and only 38 per cent desired the retention of the present laws. In other words, 62 per cent were opposed to prohibition in its present form. Leslie's Weekly conducted a similar poll and the vote ran 71 per cent in favor of modification. Other polls and straw votes indicate the same thing.

Unfortunately, a national referendum has not been taken. It may be mentioned here that the proposal to refer the question to the people has caused the Anti-Saloon League to howl "treason" at the suggestion of discussing a part of our sacred Constitution. What a miserable perversion of the doctrines of democracy! It is not the 18th Amendment that is on trial. It is the Volstead Act which millions of intelligent and thoroughly respectable people regard as an unreasonable and fanatical interpretation of that amendment.

If history teaches us anything, it is this fact: no law can be enforced against the wishes of the majority of the people. The early Christians refused to bow down to idols, though faced with death by torture. The Russian Czar in the seventeenth century forbade tobacco in his realm; but even an absolute monarch couldn't enforce the edict. For over fifty years the 15th Amendment to our Constitution, giving suffrage to the black man, has stood testimony to the inability of our own Federal government to enforce a law in sections where a majority of the people did not believe in its justice and did not want it carried out. Is there any valid reason to suppose that our Volstead Act will prove otherwise? The opposition to Volsteadism has spread over the whole country. In several states the people are more united in their opposition to it than on any other issue. Besides impressing great numbers of the people as a direct insult to their intelligence, by declaring beverages with ½ of 1 per cent alcohol intoxicating, it is an infringement on their just rights; it is re-

pugnant to the elementary principles of democracy; and it is a startling revelation of the terrible power of a fanatical minority to ride rough-shod over the wishes of the people as a whole.

For three long years we have listened to the siren's song of the blessings of bone-dry prohibition. But what is the evidence? Has it produced a decrease in crime? Statistics from fifty-six American cities show that during 1921 fraud and embezzlement increased over 14 per cent, thefts and burglary 5 per cent, assault and battery 14 per cent, and murder nearly 12 per cent. The Negative will tell you that our great crime wave is simply one of the many after-effects of the war. That may in part be true, but why is it that in European countries, which suffered most from the war, the crime wave has long since subsided, even though there are no prohibition laws, while crime is still rapidly increasing in the United States, where we have the blessings of bone-dry prohibition? I will tell you why. Millions of our citizens have no respect for the Volstead Act. Because of its fanatical restrictions they are out of sympathy with it, and are determined not to observe it. To obtain liquor, they must make it or buy it from bootleggers. Thousands resort to the latter means. The bootlegger finds little profit in beer or wines, therefore he specializes in whiskey, and it is his product that is the real cause of the crime wave today. Whiskey was dangerous enough in the old days, but the whiskey now furnished by the bootlegger so many times contains poisons of different kinds that it maddens and infuriates, making the poor wretch who drinks it an irresponsible, uncontrollable criminal and murderer.

The Volstead Act has contributed directly to the use of alcohol among people who were formerly total abstainers. Violating the Volstead Act has become a social fad. Boys and girls now consider drinking quite the proper thing. Men who never drank before prohibition now patronize the bootlegger, the moonshiner, or make their own. America has become the "bottlegger's paradise" and I think I can say without fear of contradiction, that there is not a bootlegger plying his nefarious trade in America who is not opposed to legalizing beer and light wines, because he knows it would banish him forever from his paradise.

The Volstead Act has converted us into a nation of "home brewers." Many of our respectable or more cautious citizens who hesitate to patronize a bootlegger now brew their own. If this is not true, how does the Negative explain what became of the fifty thousand bales of hops that were cut up and sold in

small packages in 1921, enough to make ten million barrels of beer. How do they explain why a corresponding amount of malt and malt compounds was sold during the same year, also in small amounts? California shipped enough wine grapes in one year to make seventy-five million gallons of wine, and the rest of the country furnished the grapes for twenty-five million gallons more. I do not believe that either the Negative or Mr. Bryan can maintain that they were used to supply the increased demand for grape juice. Since prohibition became a law, the price of California grapes has risen 400 per cent, and eighty-four thousand addition acres of vineyards were planted in that state in one year. No wonder that at the last election California voted in favor of prohibition.

Perhaps the most serious charge that can be brought against the Volstead Act is that it has been the breeder of a growing disregard for law among our people. It began by causing discontent, restlessness, and a feeling of personal rights wrongfully infringed. It led to occasional, then frequent violations of the prohibition laws by otherwise normal citizens. After violating these solemn laws with impunity and seeing their most respected fellow-citizens doing likewise they ceased to regard them as crimes. In the name of reason, what can such an attitude lead to, but inevitable disrespect for all law?

President Angell of Yale, Justice Clarke of the Supreme Court, and President Harding all have expressed their fear for the future unless the present widespread disrespect for law is checked. If the day ever comes when our other laws are as little respected as the Volstead Act, it will mark the end of America's greatness.

Ladies and Gentlemen, I have shown you that our present prohibition laws are not being effectively enforced, but that drunkenness and the use of alcohol are actually increasing. I have shown you that there is little likelihood of those laws ever being effectively enforced; that the trouble lies not with the 18th Amendment, but with the Volstead Act, which is an unreasonable interpretation of that amendment, as unsound in principle as it it contrary to the wishes of the American people. I have shown you finally that a three-year attempt to enforce this law among an unwilling people has been not only a miserable failure, but has been the cause of disrespect for law, of increase in crime and disease, affecting the social health and welfare

of our people and threatening to undermine the government itself. In the light of these facts, surely it is only reasonable to ask that our present prohibition laws be modified.

FIRST NEGATIVE

Max Maccoby, Oregon

Ladies and Gentlemen: The gentleman of the Affirmative has just told you that just because there are certain people in this country who are too short sighted to see the benefits of prohibition, that the other people are going to disregard all law; that just because this one law is being violated to a certain extent there is going to be a growing discontent with all laws. He is telling you that just because he takes a drink of whiskey, his colleague will run down town, murder the first man he sees, and break into a jewelery store and violate all laws, because he violates one. It is absurd to say that just because there are some people in this country who are violating this law, that there is going to be a growing discontent with all law. Absurd! If this were the case, we would all be violating every law.

Before proceeding further with the debate this evening, it would be well to pause and briefly summarize the chief factors that led up to and brought about prohibition. The prohibition movement began in this country one hundred and fifty years ago. Strange as it may seem to some, it had its inception, not with ministers, reformers, or moral teachers, but with the medical science. The first voice raised against the liquor traffic was that of the noted physician, Dr. Benjamin Rush, one of the signers of the Declaration of Independence. In a pamphlet published in 1785, Dr. Rush pointed out the evil effects of alcohol on the human body. Of the names of great doctors, lawyers, preachers, and reformers that follow, that of Neal Dow stands out as that of a pioneer in prohibition legislation. Dow saw that the only way to get rid of the saloon was to legislate it out of existence. His dream was realized when in 1846 the state of Maine went dry. Other states began gradually to follow her example. Then industry took up the fight. With the growing complications of a complex machine age, and with the recognition of the inefficiency that drink caused everywhere, industrial leaders began to refuse to take the risks and losses involved in the employment of drinking men. The railroads led off; no man

with the taint of liquor on his breath was allowed to enter the cab of his locomotive. Later, no man who was known to be a drinker at all was employed in any responsible position. Factory operators and manufacturers followed the lead of the railroads, refusing to employ men who got drunk, and even raising the bars against all moderate drinkers, until, long before the passage of the 18th Amendment, industry had presented a solid front against intoxicating liquor.

Meanwhile, all the time, general public opinion was growing against alcohol. With the coming of the automobile, people were driven by self-defense to oppose and combat the saloon. With cars everywhere, with every road and street filled with those potential instruments of swift and sudden death should they be in the hands of drivers made reckless by drink, public safety demanded that these drivers be sober. Even a slightly intoxicated man at the wheel of a car, Honorable Judges, is a menace to the safety of all. And a man under the influence of even the light wines and beer that our Opponents wish us to legalize would be a source of danger to everyone.

The growing knowledge of what was happening behind the scenes in the lives of the families of men who drank roused many to opposition. Men saw the home where the mother lived in mortal terror, fearing that some day her boy would grow up, and, succumbing to liquor, would be a drunkard like his father. This father, Honorable Judges, would come home every Saturday night drunk out of a street littered with drunkards, with a saloon on every corner, with a conglomeration of vice and crime on all sides. This man would come home with two-thirds of his money spent for whiskey. He would give his wife the pittance that was left, with which she must feed and clothe her children. Rags, filth, poverty and suffering were the inevitable results. It was to remove conditions such as these, Honorable Judges, that the movement became so intensified. It was to safeguard our industry, to safeguard every citizen of our nation, it was to remove drunkenness and its attendant vice and crime that the movement grew. The movement grew stronger and stronger until in 1917 thirty-four of our states, comprising 90 per cent of our territory and 65 per cent of our population were dry. Thirty-two of these states had defined intoxicating liquor, as the Volstead Act later did and the brewers had defined it in the Inter-

nal Revenue Code, namely, as any liquor containing over ½ of 1 per cent of alcohol.

The great war in 1917 opened our eyes to the great inroads in our resources made by alcohol. We found that we spent on it annually $2,000,000,000, just three times as much as we spend to maintain our public schools, just twice as much as the capital of all our national banks, just as much, Honorable Judges, as it costs us to operate our railroads. We were also using one hundred and ten million bushels of grain every year, or enough grain to feed an army of ten million men with a loaf of bread every day for a year. It was for these reasons that war time prohibition was enacted; and then, owing to the success of the venture, and as a logical step in the great work, the 18th Amendment was passed by a large majority in Congress. It received an overwhelming vote in the states. Five states did not register a single vote against the amendment. In your state of Washington both Senate and House ratified the amendment unanimously. In the three northwest states of Washington, Oregon and Idaho, only three votes were registered against the amendment, and these, we are sorry to state, were from our own state of Oregon. Thruout the country the amendment carried the legislatures by a vote of four to one. Today, forty-six out of our forty-eight states have ratified the amendment, making it law.

Think of it! Think how emphatically, how decisively America went dry, and the chief point is, it was inevitable. Modern life, this complex, machine, automobile age of ours and drunkenness cannot go together. The 18th Amendment was our country's solemn, unmistakable protest against drunkenness and the evils that go with it.

And today, a scant four years after the passage of the law, the work it is accomplishing is becoming more and more pronounced. Industry thruout the country is acclaiming the benefits and reforms that prohibition has brought about. To a large extent, the drunkenness is gone, and the danger of intoxicated men is no longer a menace to our people.

All industry has shown evidence of new life. As N. G. Spangler, General Manager of the Jackson Iron & Steel Co. of Jackson, Ohio, says:

"With the coming of prohibition our troubles from drink disappeared. Under the saloon system, for two or three days after pay day, we had trouble to secure men to man our plant. This

has been entirely eliminated. Absenteeism from work at other times has been very greatly reduced, and efficiency has improved."

The $2,000,000,000 that we were once spending on alcohol is now being put into food, clothes and shoes. Much of it is finding its way into the savings banks, as is proved by the increasing amount of deposits everywhere. For example, the Comptroller of Currency's report for 1921 shows that in six hundred and twenty-three mutual savings banks there was an increase over 1917 of nearly one hundred and seventy-four thousand depositors and approximately $400,000,000 in the amount deposited.

Our large cities where jails were once crowded with drunkards now show a remarkable decrease in arrests for drunkenness. The May, 1922, issue of the Current History Magazine tells us that in Boston arrests for drunkenness had decreased from thirty-one thousand in 1917 to seven thousand in 1921. Our Capital, Washington, D.C., showed a decrease from fourteen thousand to six thousand. Even San Francisco, that wettest of wet cities, shows a decrease from fifteen thousand to five thousand, and the most remarkable of all is the decrease of Cincinnati from fourteen thousand to five hundred. As further evidence of the results of prohibition, deaths from alcoholism have been greatly reduced. Wayne B. Wheeler, counsel for the Anti-Saloon League, states that in New York alone, whereas in 1916 there were six hundred and eighty-seven deaths from alcoholism, in 1921 there were only one hundred and nineteen. Poverty has decreased. As one instance of this, the Boston Welfare Society states that "Out of three thousand families cared for by us in the years 1917, 1918, 1919, nearly seven hundred were caused by drink, while in 1920, 1921, 1922, out of the same number of families, only one hundred cases were caused by drink."

Again, Representative Upshaw of Georgia states that the seventy Neal institutes that exerted their efforts for the reclamation of one hundred and twenty-five thousand drinking patients a dozen years before prohibition have now gone out of business. And still further, Current History states that delinquency fell off in the United States in one year of prohibition, 1919 to 1920, 29 per cent and the number of poor house inmates fell off 45 per cent.

All this may be traced to the fact that the amount of whiskey drank was reduced by prohibition from one billion gallons in 1919, according to the Review of Reviews, to three hundred and

forty million, or one-third as much in 1920, and that in 1920 and 1921 the number of alcohol drinkers fell from twenty million to less than three million.

Thus on all sides we find evidence and facts leading to but one conclusion—that conditions as they existed in the pre-dry period are gone to return no more. They show, Honorable Judges, that the saloon, with its drunkenness, is gone, that most of the $2,000,000,000 which we spent annually for liquor is now being spent to clothe and feed the wives and children of men who formerly wasted it on drink, or is going into the savings banks. We see that the country is healthier than it was, that insanity, deaths from alcoholism, and like calamities, have decreased enormously. It is in this manner that the 18th Amendment is accomplishing what it was passed to accomplish.

From the very beginning of the operation of the 18th Amendment, the liquor interests and their associates began to lay plans to discredit, to abrogate, and to finally do away with it altogether. These plans they have systematically carried out to the best of their ability. Their first move was an attempt to have the law declared unconstitutional. Taken to the Supreme Court, their case failed. Undaunted, they next organized a great campaign to undermine the confidence of the people in the 18th Amendment. Great advertising campaigns were put under way. They have cried out in alarm that we are consuming more liquor today than ever before. Strange that the very men who want us to have liquor should be so concerned if we do have it! They have told us that thousands of men would be put out of work, yet today, four years after the enactment of this law, no serious problem along this line has arisen. In fact, we are facing at this time a labor shortage in the United States. They have cried out that in time of peace, the farmer will have no place to send the one hundred and ten million bushels of grain that were formerly used by the breweries. Yet we find that same farmer, of whom the liquor men are so solicitous, unalterably opposed to any kind of liquor traffic.

The last and final step of the movement of the liquor interests is the demand for the legalizing of light wines and beer. The Affirmative is asking tonight that we take a step backward from our stand on prohibition, and that we should enact a law that would legalize light wines and beer, and they draw their line of demarcation at 7 per cent for wines and 4 per cent

for beer. In other words, they wish us to retract from our former action and take a step back toward pre-prohibition conditions. We are told that the outstanding violations of the 18th Amendment, with its promiscuous moonshining and bootlegging, show that the people want light wines and beer. But, does it? It is true that there are people in this country who are opposed to prohibition. It is true that there are people who continuously violate the prohibition law. It is true, Honorable Judges, violations do exist, but I ask, Our Worthy Opponents, does all this show that the demand is for light wines and beer? Do moonshiners manufacture light wines and beer? Do bootleggers sell light wines and beer? Do violators buy light wines and beer? You know and I know that the violations today are confined, not to light wines and beer, but to the liquors of high alcoholic content, the whiskies, the brandies, and the rum. The anti-prohibitionists are grasping at a straw. The wish to have light wines and beer is merely a step to bring back that which they really desire—liquors of high alcoholic content, for it is an open secret that the force behind the whole light wines and beer movement is the liquor men whose best interests would demand the absolute return of liquor. It would be absurd to suggest that these men, whose very existence depends upon liquor, would stop at the proposed limit.

Judson C. Welliver, prominent newspaper man, quotes a liquor man as saying: "Our first attempt would be to amend the Volstead Act to permit light wines and beer. After that we will seek the repeal of the 18th Amendment altogether."

This, Honorable Judges, is what the introduction of light wines and beer would mean—the eventual repeal of the 18th Amendment.

The contention is also raised that there exists a substantial minority in favor of the legalization of light wines and beer; also that there is an axiom of political science which states that substantial minorities must not be ignored. This is all well and good, but when that minority is so diametrically opposed to the best interests of the nation, it would be overridden. In 1861 there was a still greater minority that declared their right against the will of the majority to hold slaves. There, Honorable Judges, was a minority entrenched in the fact that they had what they desired and that someone wished to take it from them. It was, at this time, once for all established in the United

States that the will of the minority so long as it expressed itself as opposed to the best interests of the people should be disregarded. Today, fifty years later, there is not a man in this country who does not acknowledge that the abolition of slavery was to the best interests of our nation, and that our progress would have been retarded, had we failed to remove it.

Thus, in view of this precedent, so indelibly printed in the minds of all Americans, it has been established that a minority, however vast, must be overridden. The advocates of light wines and beer would by their action in legalizing them throw the country into the conditions that existed before the passage of the 18th Amendment. They are working against the best interests of the people and must, therefore, be disregarded.

By their proposition this evening, the gentlemen of the Affirmative wish, at this point, to relinquish prohibition as it has existed with but a test of four years. Can we rightfully say today that prohibition has failed? We must give it time for a trial. Four years ago directly after the passage of the 18th Amendment, Chief Justice Taft stated that it would take ten years to properly try out the prohibition law. Yet our Opponents would judge it today, in less than half the time set by Mr. Taft.

Thus we see that our Opponents wish to throw out, in spite of the good it has done, in spite of what it would mean to our country, prohibition as it has existed. They are attempting to fix a wedge into the whole system that will eventually, as we have shown, revert the country to the conditions that existed prior to the passage of the 18th Amendment. The liquor men are asking us to go back to conditions that we have erased forever. Shall we do their bidding?

SECOND AFFIRMATIVE

Herbert Hielscher, Washington

As the gentleman of the Negative has just told us of the tremendous benefits of prohibition to our nation, we have doubtless reached the stage where we should sprout wings and fly away. The Negative contend that crime has decreased in the United States, but we can show by authentic statistics that crime has actually increased. Our Opponents have given us a new definition of the automobile—"a scientific instrument of

swift and sudden death"—and insist our safety in this age of automobiles is secured only by prohibition. The facts are that statistics show during the period of 1920 to 1921 an increase in arrests for drunkenness of 62.35 per cent. We have a list of about ten crimes against the public, and every one of them has been increasing. Where, Gentlemen, do you get the idea that crime is decreasing in the United States? Drunkenness itself is consistently increasing under prohibition ever since the year 1917, the year they use as a normal wet year. They insist on using the year 1917 as a basis from which to figure. We will meet them on their own ground! If you investigate the police records of this city, you will be surprised to find that in 1919-1920 arrests for drunkenness increased over two thousand above the basic year of 1917. In the face of this then, the gentlemen insist that crime and drunkenness are decreasing!

Beer and light wines are branded as "intoxicating beverages" if they contain more than ½ of 1 per cent of alcohol. Why, Ladies and Gentlemen, that is an affront on your intelligence. You know as well as I do, that it is a physical impossibility to become inebriated on a concoction containing one part of alcohol to one hundred and ninety-nine parts of water, or other ingredients. In reality then, the Volstead Act prohibits many drinks that are not prohibited under the 18th Amendment.

My colleague has shown you that some modification of our present prohibition laws is necessary. In support of the Affirmative case, I shall endeavor to prove that legalizing the manufacture and sale of beer and light wines would be the proper modification.

It might be well to spend a moment or two in ascertaining just what is the real point of dispute between the Affirmative and Negative in this debate. Both sides agree that whiskey and other beverages having a high alcoholic content should be forever prohibited for the good of the individual, the family and society. Both sides agree that the 18th Amendment, if properly enforced, would prove to be one of the most beneficial pieces of modern legislation. The Negative believe that the Volstead Act is a fair interpretation of that amendment. We do not. The Negative believe that any material modification of the Volstead Act would thwart the purposes and intent of the prohibition amendment. We believe that a modification of the Volstead Act permitting beer and light wines is not only desirable,

but necessary to make the 18th Amendment effective and in accord with the will of the majority of the American people. This, then, is the heart of the dispute tonight.

My colleague and I are just as much opposed to the return of whiskey, the bar-room, and the evils of a wide-open nation as the Negative can be. We hold no brief for the liquor interests, nor do we in any way represent them. We do believe, however, that bone-dry prohibition is unsound in principle, contrary to the wishes of the majority, subversive of democratic ideals, and the proximate cause of many obvious evils in our national life today I shall try to show you that legalizing the manufacture and sale of beer and light wines would tend to lessen these evils.

Are the American people in favor of such a modification? Do the people wish to legalize beer and light wines? Unfortunately, no national referendum has as yet been taken to find out. Certain events of recent history, however, lead us to believe that the people as a whole do favor the return of these two beverages. As pointed out by my colleague, a recent nation-wide poll conducted by the Literary Digest showed that 62 per cent of those who answered were opposed to bone-dry prohibition, more voting for beer and light wines than for any other modification. A similar poll by Leslie's Weekly showed that 71 per cent were in favor of such a modification. Certain straw votes also show in a decisive fashion which way the wind is blowing. In Fort Wayne, Indiana, the vote stood two to one in favor of beer and light wines; in Marshfield, Wisconsin, two to one; in Wilkesbarre, Pennsylvania, five to one and in Chicago, five to one. The Chamber of Commerce in Philadelphia voted 75 per cent in favor of beer and light wines, and that of San Francisco, 93 per cent. All polls or votes taken show similar results. Secretary of War, Weeks, only recently made a public address in which he stated: "Throughout the nation I have found a general sentiment in favor of an amendment to the Volstead Act. The people want beer and light wines."

If it is right for the government to prohibit beer and light wines, it must be for one of two reasons: either because the use of them is highly injurious to the physical and mental health of our people, or because it is contrary to and destructive of morality. I do not believe that either accusation can reasonably be made against these beverages. The government has the right

to prohibit the traffic in narcotics, because the use of these drugs is always dangerous both to the individual and to society. It has the right to prohibit traffic in whiskey and other strong drinks, because they can seldom be used without serious injurious effects. They are inherently dangerous and their history for many centuries shows that they are rarely, if ever, used in moderation. All medical authorities agree that they undermine the physical and mental health of those who use them to any great extent. There is, however, no such uniformity of opinion among physicians as to the effects of beer and light wines. A few, perhaps, regard them as injurious; the great majority assert that they have no appreciable effect one way or the other upon the health of the user; and a respectable proportion of the medical profession insist that they exert an actually beneficial effect in preserving health.

Since physicians give us no definite light on this subject, let us look elsewhere. The Greeks and Romans were habitual users of wine; they worshipped Dionysus and Bacchus as Gods, and held frequent festivals in their honor. Have you ever heard of any physical inferiority or degeneration among these who made the "Glory that was Greece and the grandeur that was Rome?" They were athletic and their perfect bodies have been immortalized in statues of marble and bronze. Since the dawn of history in western Europe the Anglo-Saxons have been the dominant race. Their physical prowess has become proverbial. They have conquered the world by the power of their minds and bodies. Yet they have always been users of wine and ale. The Germans are the greatest beer consuming nation on the face of the globe. Would you call them a physically defective people? The Swedes and Norwegians have for many centuries been heavy users of beer and ale; yet they are today perhaps the most physically perfect people in the world. The French and the Italians use wine instead of water, and we sometimes like to refer to them as effeminate. But one thing is certain—in the recent war they were physically strong and courageous enough to hold in check the most tremendous fighting machines ever assembled in human history.

Is the use of beer and wine injurious to the mental faculties and genius of a people? If it is, the Negative must prove it. Until they do so, we of the Affirmative shall rely upon the evidence of many centuries of history. France and Italy with their

ever present wines, Germany with her beer foaming steins, England with her beer and wines and ale have given to the world more than their share of men of genius and intellectual brilliance. Racine, Moliere and Hugo Michael Angelo, Raphael, and Boccaccio; Goethe, Schiller and Heine; Chaucer, Shakespere, Gladstone and Tennyson—these are just a few of the immortal names of these countries. And, I wish to call your attention to this fact—most, if not all, of these men were habitual users of wine and beer and ale. So were George Washington, Benjamin Franklin, Thomas Jefferson, Abraham Lincoln, Theodore Roosevelt, and until recently at least, so were Woodrow Wilson and William Howard Taft. In the light of this evidence, it seems rather useless to become excited for fear beer and light wines may deaden the genius or numb the mental faculties of our people.

Is it morally wrong to drink beer and light wines? Until the star of Mr. Volstead arose in the ascendant, the best men of all time did not consider it so. The men whom I mentioned a moment ago did not think so. Seven signers of the Declaration of Independence were brewers, and I suppose they tasted of their products and saw that they were good. If it is morally wrong today, it must have been equally so in the past. But Jesus Christ was a user of wine, and by the bone-dry prohibitionists of his day he was maliciously termed a "wine bibber," a friend of publicans and sinners. He not only drank wine, but also used his miraculous powers to create it. At the marriage feast He turned six pots of water into wine. Had He thought the use of wine wrong or had He been in favor of bone-dry prohibition, He would rather have turned six pots of wine back into water. That which Christ did and the best men of all ages have done, certainly cannot be considered immoral.

If then, the use of beer and light wines is neither immoral nor destructive of the physical and mental health of the one who drinks them, if they are desired by the majority of American people, there is no valid reason why we should not legalize them. There is, however, another very strong reason why we should do so. Such an act, liberalizing and making reasonable our interpretation of the 18th Amendment would help to destroy the dangerous disrespect of law, which is now so prevalent thruout the country. There was never a time in our history when a Federal law was so little respected, or observed, as the Volstead

Act is today. It is violated every day by millions of American citizens. Such disrespect for one law leads inevitably to disrespect for others. No law is long respected merely because it is on the statute books. It must represent the wishes and the customs of the people and that is just what the Volstead Act fails to do. According to Justice Clarke of the Supreme Court, "it requires millions of men and women to abruptly give up habits of life which they thought not immoral or wrong, but which, on the contrary, they believed to be necessary to their reasonable comfort and happiness and thereby, as we all now see, respect not only for that law, but for all law, has been put to an unprecedented and demoralizing strain in our country, the end of which it is difficult to see."

The Volstead Act, which was vetoed by President Wilson, is not supported by the will of the majority, who openly flout it and regard it as a fanatical restriction of their personal habits. By modifying the Volstead Act so as to permit beer and light wines, we would give the majority what they want; we would deprive no man of his rights; and we would restore respect for not only our prohibition laws, but for all laws as well.

Legalizing beer and light wines would not in any way mean the return of the old-time saloon. In the first place, the saloon could never be the same old pest-house without whiskey and other strong drinks. They were what made it the curse of our nation. In the second place, if the Federal government should legalize beer and light wines, it would simply be saying to the people of the states:— "Here, I give back to you some of your liberties, use them as you see fit." It is safe to assert that no state wants the saloon again. What, then, is to prevent the states from so handling the beer and light wine question, since it is impossible for the saloon to return? The Province of Quebec, Canada, has shown us how to have liquor without the saloon. The Quebec Liquor Commission, a public corporation, regulates the liquor industry and business by monopoly control. It buys and sells all liquor; it controls the manufacture, possession, sale and delivery of all alcoholic beverages. It licenses dispensaries where one may purchase a bottle of beer or wine and take it home. He cannot drink it at the dispensary. Saloons are a thing of the past. Mr. George Simard, chairman of the Quebec Liquor Commission, recently said: "We believe that we have solved the liquor problem. For one thing, the population as

a whole is strongly behind the law. Every day we get evidence that the people are satisfied."

There is no reason why the several states of our country could not regulate beer and light wines by some similar system thereby giving the people what they want, yet at the same time preventing the return of the saloon. The 18th Amendment would no longer be a joke; it would be effective and regarded by the American people as worthy of its place in our Federal Constitution.

Ladies and Gentlemen, my colleague and I have tried, seriously and earnestly, to prove to you two things: First, that some modification of our present prohibition laws is not only desirable but necessary; and, second, that legalizing the manufacture and sale of beer and light wines would be the proper modification. We believe that we have established these two points. We have shown you that total prohibition is not being enforced; that it cannot be successfully enforced, because it is unsound in principle, contrary to the wishes of the majority, and that an attempt to enforce it has done more harm in this country than good. We have shown you that a majority of our citizens are in favor of beer and light wines, and that the use of them is neither injurious or immoral; that by legalizing them we could check the rising tide of unrest and disrespect for law, which is now threatening to undermine our nation. And, finally, that we could do so without permitting the return of the saloon.

In the face of this evidence, we believe you will agree with us that the Federal government should legalize the manufacture and sale of beer and light wines.

SECOND NEGATIVE

Paul L. Patterson, Oregon

The Affirmative have now completed their constructive case, and we are able to see the contentions which they have made, and so before we go further into the debate let us see just why they are asking for this step tonight. They are asking us to repeal one of the laws of our country, based upon an amendment to our Constitution, a proposal which is without a precedent in all our history and is, to say the least, a very drastic step to ask our people to take. Therefore, to prove their proposition they must show that it is absolutely essential to the best interests

and wishes of the American people. So, it is in this light that we turn to their case this evening. They have said the Volstead Act is an unreasonable interpretation of the 18th Amendment, which specifically prohibits the manufacture, sale and transportation of intoxicating liquors. Now then, as a matter of fact, we find that forty-two out of our forty-eight states have defined the term "intoxicating liquor" before the passage of the 18th Amendment and in every one of those states this term had been interpreted to include all liquors containing more than ½ of 1 per cent alcohol. Further, we find in the Internal Revenue Act that the term "non-intoxicating liquor" includes only those with less than ½ of 1 per cent alcoholic content. What else could Congress do than place a similar interpretation on this clearly defined term?

I have taken the trouble to figure out the statistics given us by the Affirmative covering the consumption of fifty thousand bales of hops which were cut up in small bundles and sold during 1921. Assuming that they were all used for home beer and that none was wasted, which is obviously not true, multiply by fifty-two gallons to the barrel—six hundred thousand barrels gives thirty-one million gallons, and you get only 1/6 of 1 per cent of the beer that was being drunk formerly. My Opponent also cites the large amount of raisins now being raised in California, but they have taken no cognizance of the large amount of advertising which has been done by the Sun Maid Raisin Company, which certainly proves that the market is not flooded with buyers of wine grapes. Taking their figures at their face, however, we find that by adding them up and dividing them into the total amount of wine used before prohibition and we have only 7/100 of 1 per cent of the wine we were making before, which does not prove that violation is as flagrant as they depicted.

They have said conditions are worse in the United States because of this condition—crime was worse in 1922 than in 1921. However, both of those years are dry years, and the only way we can get a comparison is to use statistics before prohibition with those of the present, and we find that in every case, crime statistics, and the condition of the people in the country as a whole, are better than before, as my colleague has shown you.

They have justified light wines and beer on the grounds that Germany and France use them. As a matter of fact, both countries have started prohibition movements similar to ours

and, further, it is a well known fact that the American people cannot be likened to either of these two races. One of them had a monarchy too, does that prove our law a failure? Then they have justified them because of certain characters in history who used them, implying that their standard should be ours. I would like to remind them that while George Washington was not a prohibitionist, neither did he allow his wife to vote, one of our present laws, and he kept slaves as well, an institution now extinct. Therefore, this proof avails nothing.

Then they have said that state prohibition operating under the Canadian plan would succeed better than our national law. Yet, Gentlemen, Canada has its bootleggers, and it is right across the border here in Canada that your bootleggers get the whiskey, by the way, the Affirmative objects to. Yet they say such a plan would work in our states, why have any prohibition?

In order to have proved their case, there are certain fundamental requirements which the Affirmative should have shown, which are not met by their constructive case. First, they should have shown in order to prove the expediency of this proposition, that conditions will be better under light wines and beer than they are today. The main argument for the Affirmative is that our present law is not being enforced, that violation meets us on every hand and that, therefore, we should nullify the act to the extent of legalizing light wines and beer. The assumption is that conditions would be better under the regime than they are today. But do the facts bear out this assumption. We find that every one of our forty-eight states has had a prohibition law of some sort during its history, they have tried out every method of regulation and prohibition of the liquor traffic that has ever been devised, and in those states that have tried light wines and beer, we find that it has led to more flagrant violation and law breaking than existed under absolute prohibition, and has further led to the breakdown of all prohibition in their communities.

We find that in Iowa in 1858 they had a prohibition law which was being violated, and in order to try and stop these violations they adopted light wines and beer, the very things which the Affirmative is asking us to do tonight, and then after they adopted this new interpretation to their prohibition act, we find that the law was more flagrantly violated than ever before, and finally weakened by this new interpretation which they had

put upon it and by the additional violations which these wines and beer had brought to their state, they were forced to repeal the law altogether. Again, in Massachusetts, they had a prohibition law in 1870 which they thought was being too flagrantly violated, and in order to try and stop these violations they legalized the sale of beer in the state. Arrests for drunkenness and general crime immediately increased 50 per cent. This loose interpretation of their law also, as it had in Iowa, led to the final repeal of the act altogether. Then, again, Georgia in 1907 passed a prohibition law which allowed the sale of near beer. The act was an utter failure, and in the words of the officials of Atlanta, "The saloons are running full blast, selling whiskey unmolested. A near beer law is practically unenforceable, as you cannot have a chemist with every barrel to see that the contents are light." These are actual experiments in the states of our own country with the proposition the Affirmative is advancing, and we see that wherever it has been tried it has absolutely failed in practice, has not led to better conditions, and has brought about, as my colleague has pointed out to you this act would bring about, the final repeal of our prohibition laws altogether. On this point, allow me to quote Chief Justice Taft, the very man who would have to pass final judgment on this proposition of the Affirmative were it to become a law. He says, "As a matter of fact, I am not in favor of amending the Volstead Act in respect to the amount of permissible alcohol in beverages. I am not in favor of allowing light wines and beers to be sold under the 18th Amendment. I believe it would defeat the purpose of the amendment. No such distinction as that between light wines and beer on one hand and spirituous liquors on the other is practicable as a police measure." Therefore, Honorable Judges, because of these facts, because light wines and beer have failed wherever they have been tried, and have led to the final breakdown of all prohibition laws in the states which have adopted them, and because they have been declared unenforceable by the highest legal authority in the land, we of the Negative maintain that light wines and beer will be detrimental to the best interests of the American people.

The second point which the Affirmative should have proven in order to substantiate their case is that the people of our country want the adoption of this measure which they propose. This is necessary in any case asking for such a nullification of our

present law because forty-six of our states have ratified our present amendment, and before we can alter in any way this amendment or the construction put upon it, we will have to consult the wishes of the people who put it in force. This very proposition which we are discussing tonight was drawn up because of the poll held by the Literary Digest this last summer, and so in order to have established their case the Affirmative should have shown that this poll or some other fact which exists in our country today is indicative of the desires of the people for the adoption of this proposition. As a matter of fact, we find that this ballot comprised only one million votes and is not and cannot be taken as an indication of the sentiment of the American people as a whole. It was taken largely from among the telephone subscribers of the country who, as you all know, for the most part live in our cities, and it is a well known fact that the strength of prohibition did not lie primarily in the cities. So any poll which does not take into consideration the great mass of our rural population cannot be considered effective. Another indictment of this poll is that it was taken largely from among the states east of the Mississippi River, and did not take into consideration sufficiently the western states which were, in reality, the ones which put this nation dry. The strength of the western commonwealths can no longer be disregarded, yet we find this poll which is supposed to be repesentative, practically ignoring the opinion of the west. For example, your own state of Washington, which comprises about 2 per cent of the population of the nation, cast only 1/10 of 1 per cent of the final return of the poll. So, obviously, in the face of these glaring fallacies, we cannot assume that this vote is at all indicative of the sentiments of the nation. Another act that is urged as proof of public opinion, is the fact that the executive council of the American Federation of Labor voted for light wines and beer, yet we find that this act of a handful of men stirred up a storm of protest among the labor leaders and press of the country. The Rochester Times-Union, United Mine Workers' Journal, Little Rock Union Labor Bulletin, Union Banner of Fort Worth, all union papers from every part of the country protested against this act. Congressman J. G. Copper, a labor leader of long standing, says: "It is not the working people of the country who are clamoring for the return of the liquor traffic." The head of the Brotherhood of Locomotive Engineers says that he and his entire organization are

against the manufacture and sale of all kinds of liquor. So this act which caused such a manifestation of disapproval among the members cannot be taken as any indication of the opinion of the laboring people of the nation.

As further proof of public opinion, our Opponents give us the results of the poll conducted by Leslie's Weekly, but this prohibition does not reach the representative people, but indicates the opinion of merely a small group of selected men. I might introduce a poll equally as conclusive as this one is on the other side. A return was sent out among the manufacturers of the country, and showed the remarkable result of 98.50 per cent in favor of absolute prohibition. Then they have mentioned violation as indicating the opinion of the people, yet even with all the violations of the law we have today, there is only about 2 per cent of the liquor made in the country today which was made previously, according to their own figures. Therefore, Gentlemen, I have shown you that because the majority of the American people do not want light wines and beer, we should not adopt them. On the other hand, we find that several of the states have placed the question of light wines and beer upon their ballot for decision, and in every case it has been voted down by a decisive majority. In Ohio, Arizona, Colorado, Oregon they have defeated this measure. In Michigan they voted upon it as late as 1919 and defeated it by a majority of two hundred and seven thousand votes, and you people who sit here tonight voted upon a similar issue after you had adopted your state-wide prohibition act and defeated this proposal for light wines and beer by a majority of two hundred and sixteen thousand votes. So we see that there is not a single manifestation on the part of the American people for this law, and on the other hand that it has been defeated by them every time they have had an opportunity to vote upon it. And so, Gentlemen, we maintain that we should not legalize an act which has failed wherever it has been tried, has been proven unenforceable, and which the American people do not want today.

Lastly, there is one other point which the Affirmative have failed to show in their constructive case, which makes their entire debate inconclusive in asking for the adoption of this proposition, and that is why and where they draw their line on light wines and beer. They have pictured to you that violation and crime are worse today than formerly. They say that state prohibi-

tion would be better than national prohibition. In a word, they say that our prohibition law has failed. Now if our law has been such a failure, if these violations are as disasterous as the Affirmative would have you believe, if we have transgressed upon the rights of the majority to the extent that they say, if state-wide prohibition would be so much better than our national law has been, if the failure of this law is attributable to the fact that we enacted this law prematurely, why do they stop in their repeal at 7 per cent wines and 4 per cent beer. If these states which had no prohibition before are the ones responsible for the failure of the present law, what do they hope to gain by giving back to them the small percentage of liquors called for by this proposition. Then, if in answer to this they say that our law has succeeded to the extent that our entire country is now ready for light wines and beer, that these communities which had no prohibition law before are now ready to acknowledge the value of a law which prohibits all liquors except the few that are included under this question, if they say this, then I ask them why not keep such a law which has accomplished this remarkable result in four years in force a few more years until we have stamped the curse of liquor out of our midst forever? In other words, Honorable Judges, in order to justify the act which they advocate tonight, the Affirmative must prove that our present prohibition law is a failure, and if they prove this why do they stop in its repeal at 7 per cent wines and 4 per cent beer? And, on the other hand, if they contend that our law has succeeded in weaning our nation away from whiskey, the saloon, and all the unspeakable evils that went with it, why do they advocate its repeal in the very hour of its triumphant success?

FIRST NEGATIVE REBUTTAL

Max Maccoby, Oregon

Ladies and Gentlemen: By showing that there are fluctuations in crime during the years of prohibition the gentlemen of the Affirmative wish to establish that prohibition has failed, but they failed to take into consideration the fact that even though crime has increased slightly in the year 1921 over 1920 it is still much less than it was prior to the passage of the 18th Amendment. And they quote Secretary Weeks and say that he being on the Cabinet should be one who knows how conditions

are. I wish to present a statement made by Mr. Harding, President of the United States: "In every community men and women have had an opportunity now to know what prohibition means. They know that debts are more promptly paid, that men take home the wages that once were wasted in saloons; that families are better clothed and fed, and more money finds its way into the savings banks. The liquor traffic was destructive of much that was most precious in American life. In the face of so much evidence on that point, what conscientious man would want to let his own selfish desires influence him to vote to bring it back? In another generation I believe that liquor will have disappeared, not merely from our politics, but from our memories."

On authority of Wayne B. Wheeler, we find that drunkenness has decreased in former wet territory 60 per cent, and that all offenses have decreased 40 per cent. Even though these conditions may have fluctuated slightly, they are still less than before the passage of the prohibition law.

Our Opponents have told us that because prohibition cannot be enforced and because there are violations occuring, we should throw this law away. By the same logic, we would then throw away our laws regarding murder and robbery because there are people who violate them. If we follow the argument of the Affirmative to its logical conclusion, we would throw all the laws off the statute books; and that because there are people violating our marriage laws we should permit polygamy. There is not a single law in our land which is not being violated in some way or another. Our Opponents tell us that these four years show that prohibition has not been a success. There has been agitation for prohibition ever since 1776 when Washington made our country free, and drank a glass of whiskey to celebrate it, and during all that period we have had whiskey drinking in America, while we have had only four short years of prohibition, and yet the Affirmative would advocate stopping our trial of prohibition because it did not completely overturn in four short years the work of one hundred and fifty years. The wound is an old one, and took one hundred and fifty years to heal. The scab is still there, and we have to wait until that scab heals before we can see whether the operation of prohibition has failed or succeeded. Besides, the measure which the Affirmative proposes is a compromise. They tell us the people in the

United States are wanting to compromise and they offer a compromise of 7 per cent wines and 4 per cent beer. Not only is the proposal a compromise, but what a ridiculous compromise —dishwater for wine that will certainly not satisfy what they claim the people want, and good old fashioned 4 per cent beer that will bring back all the evils wiped out by prohibition.

FIRST AFFIRMATIVE REBUTTAL

Herbert Hielscher, Washington

Ladies and Gentlemen: The gentlemen from Oregon have made a fatal admission—that crime has increased and there has been a fluctuation. When they made a fatal admission such as this, their case is lost. Of course, crime is increasing. In the city of Seattle alone there were two thousand more arrests for drunkenness this year than last, and we find similar conditions in the fifty-six largest cities of the country.

It is a fortunate thing for the Negative that this debate is held in 1923 instead of 1925, because by 1925 crime under prohibition will have exceeded the records of the worst wide-open year. Further, our Opponents used Mr. Wheeler as an authority on the reduction of crime. It is perfectly ridiculous to use Mr. Wheeler as an absolute criterion. He is head of the Anti-Saloon League of this country. Opinions are opinions, but facts are evidence. The statistics which we used in our constructive case were taken from the police records. Would you want any more convincing authority?

They stated that the American people were not in favor of beer and light wines, and as proof pointed to the manufacturer's record. The important fact which the Negative failed to mention in this regard is that out of this hand picked list of one thousand business men, who openly declared themselves 100 per cent in favor of bone-dry prohibition in 1915, 7 per cent have now reversed their opinion and are in favor of beer and light wines. It is a matter of no small significance that seventy of these "dyed in the wool" prohibitionists have seen the folly of a bone-dry nation and now have declared themselves in favor of modification.

Further, the Negative have not shown that beer and light wines are injurious to the physical well-being of our race, or that they are deleterious to either the mind or body. They have

compared nothing from the records of the past to the records of the present. The gentlemen of the Negative have not proved that beer and light wines are morally wrong—I do not believe they have even used the word moral in the course of the whole debate.

We have shown you that crime has increased since the passage of the 18th Amendment. Further, we believe that since the American people favor the return of beer and light wines, certainly they should have it. Also, they have stated the Literary Digest poll is not representative of the American people. Ladies and Gentlemen, that is a direct insult. To say that you are not a representative American audience is perfectly ridiculous! If prohibition has produced all the beneficial results which the Negative claim it has, why then has not America been transformed into the paradise which the prohibitionists told us would come? If this is paradise, I don't blame the American people for being dissatisfied.

In summary then, we wish to point out that the gentlemen of the Negative have failed to show that prohibition has benefited our country and that beer and light wines are in any way injurious to the physical, moral or mental well-being of our people.

What more have we to prove?

SECOND NEGATIVE REBUTTAL

Paul L. Patterson, Oregon

Ladies and Gentlemen: They have asked us to give to them some figures from our police records. I have here a report from Commissioner Enright of the city of New York—that city of notorious evil. He says that general felonies have decreased 22 per cent in 1922 over 1921, with a decrease of 39 per cent over 1919.

Our Opponents say we have admitted that crime has been increasing. We have made no such admission. They have criticized us for using Mr. Wheeler as an authority. We can quote other able authorities. Reports from the Hospital of the Insane in Ohio show that before prohibition admissions to that institution for causes attributable to alcohol covered 11.8 per cent, while in the year 1920 the percentage was 2.7. However, let us get away

from this quibbling over conflicting statistics and discuss the real question at issue. The gentleman of the Affirmative is asking us to hand back light wines and beer. He has said that conditions will be better under such a plan. But, Gentlemen, how could we enforce a law of light wines and beer if we cannot enforce the 18th Amendment? Those of you who have drunk liquor know that a drink containing 4 per cent is all right for a time, but gradually your body becomes immune to that per cent of alcohol and you must have more. The late Wally Reid died from the use of four grains of morphine per day, which is enough to kill any eight men in the audience. How did he arrive at that remarkable point? He started out at one-eighth grain per day. Gradually his body became immune to it, and he had to have more morphine to satisfy the craving, and now we see the possible result of satisfying that passion, which is analogous to legalizing light wines and beer.

Now, Gentlemen, where is the violation in the United States today? Is it not among the bootleggers who are making and distributing bootleg whiskey? Will the legalization of light wines and beer keep them from getting it? Or will they go on getting it as they have been, making the new law as much of a failure as the present? Your reason will tell you the latter is true!

In conclusion, that you may have clearly in mind our contentions, let me tell you what the Negative stands for. We say that conditions are better today than before the adoption of prohibition and that if we accept the proposition of the Affirmative we would be going back to what conditions were before. They have not shown that conditions will be better under light wines and beer. They go into ancient history in an effort to prove that alcohol does not do physical harm to the body. They have said that the American people do want light wines and beer, and have quoted the poll of the Literary Digest as being indicative of this sentiment, together with the Leslie's Weekly straw vote; which I have shown are not representative of the desire of the people as a whole; they have mentioned the violation all over the country which has proven our law is a failure, so, lastly, I ask them why do they draw the line at 7 per cent wines and 4 per cent beer? If our law has succeeded, as they admit, in weaning our country away from strong liquors to light wines, then why not keep this law in force which has accomplished this remarkable result?

SECOND AFFIRMATIVE REBUTTAL

Paul Whipple, Washington

LADIES AND GENTLEMAN: We thank the gentlemen of the Negative for giving us the statistics for one or two cities, but here are the statistics for fifty-six cities all over the country.

They have claimed that light wines and beer would be the first step in bringing back all liquors. If you could get pure wine, pure beer, get it cheaply and easily in compliance with the law, would you break the law, risk getting wood alcohol or ether in the whiskey, or too much kidney-destroying juniper juice in the synthetic gin of the bootlegger, for which you have to pay several times the former price for a rotten article? Never!

The gentlemen from Oregon have argued for stricter enforcement of prohibition, rather than modification. They hold that prohibition has not had a fair trial and that a little more time will convince the country of its benefits. We have seen the ludicrous spectacle of a three year attempt to enforce prohibition which has prohibited neither drunkenness nor the use of alcohol. But if more time will allow it to prove its efficacy why have not fifteen centuries of prohibition in Turkey demonstrated it? During the centuries that Mohammedanism has kept Turkey bone-dry, that country has produced not one man of international importance; and the country today lags at the tail end of civilization's procession, notorious for the bigotry, brutality, and ignorance of its people. We do not say that prohibition is the sole cause of Turkey's wretched condition—but we cannot approve of continuing in this country at the expense of increased crime and contempt for law an experiment that in the only other country where it has been thoroughly tested has utterly failed to prove its value.

The Negative object to our using the failure to enforce prohibition as an argument for modification. I fear the gentlemen have missed the heart of our argument. We attack the Volstead Act not merely because it is not enforced, but because it never can be enforced and that, because it is unreasonable and contrary to the wishes of a majority of the people. It is true that our laws against murder and other crimes are sometimes violated. The Negative insist that to be consistent we must advocate modification of the law against murder. But do thousands of our citizens make murder a business and receive their

pay from the most respectable members of society? Above all, is murder the subject of pleasant chat, of jokes and humor, in nearly every gathering of people? Of course not! But violation of the Volstead Act is. The bootlegger's customers and the home-brewers are found in every walk of life, from merchants to artists, and from longshoremen to college professors. We fail to see the force of such a false analogy.

We of the Affirmative have based our case on two contentions, which we believe we have established. We have shown you first that our present prohibition laws should be modified, that they are not being enforced, but that drunkenness and the use of alcohol are actually increasing. We have shown, second, that legalizing the manufacture and sale of beer and light wines would be the proper modification. We do not attack the 18th Amendment; we do not want the return of whiskey, the saloons, or the bar-room, for we believe that they should be forever barred. We ask only for the legalizing of beer and light wines, a modification of the Volstead Act, which would be in accord not only with sound reason, but also with the wishes of the American people.

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CHAPTER VI

EXCESS PROFITS TAX

WEST VIRGINIA UNIVERSITY

RESOLVED: *That an excess profits tax should be made a part of our Federal fiscal system.*

These were the speeches delivered by representatives of West Virginia University in debates against Ohio State University, the University of Indiana, and the University of North Carolina. The Affirmative team for West Virginia met representatives of Indiana at Bloomington, Indiana, on February 23, 1923, and on the same date the Negative team for West Virginia met representatives of Ohio at Morgantown, W.Va. The Negative also debated the University of North Carolina on the same trip. The manuscript copies of the speeches were secured thru the courtesy of Mr. Wilbur Jones Kay, of the Department of Public Speaking, West Virginia University.

BRIEF

EXCESS PROFITS TAX

Affirmative

Introduction:

A. The excess profits tax is a tax upon the profits of corporations over and above a reasonable profit, after a deduction of all necessary and reasonable expenses.

B. The Affirmative do not propose to repeal any other tax law now in existence, but to add the excess profits tax as supplemental to all others.

C. The main issue is whether corporations as such are to be made to bear their just share of our nation's burdens, or whether they are to be permitted to continue to shift this burden to the backs of the people or of their competitors doing business as partnerships, uncharted companies and private individuals, by paying no more than the 2½ per cent additional tax required since the repeal of the old excess profits tax law in 1921.

I. The present needs of the Federal government exceed its actual income.

A. Our army is inadequate for our safety and station.

B. Our Federal officers are poorly paid, and good men are lost to the government because they cannot afford to serve at such great personal sacrifice.

C. Lack of sufficient income compels us to pay extravagant interest burdens.

D. Our appropriations for education are inadequate.

E. Our government is compelled to borrow.

F. We are obliged to pay out a large sum in rent for our Federal government.

II. A tax on corporations would be logical.

A. There should be no undue discrimination in their favor.

1. They profiteered during the war.

a. They made 200 per cent and over in profits derived from extortionate prices.

b. They became large creditors of the government in acquiring government non-taxable bonds.

2. The government asks more from the soldiers who sacrificed all than it asks from the corporations which made no sacrifice.

a. The soldiers risked their lives and sacrificed their time, home, finances, and in addition they now pay interest to the corporations on government bonds.

b. They were denied a bonus practically at the same time as the old excess profits tax law was repealed.

III. An excess profits tax would be equitable.

A. It would fall entirely upon corporations making excess profits, which were the chief beneficiaries of the World War.

1. It would be placed upon corporations in proportion to the revenue they enjoy under the protection of the state.

a. Between the years 1916 and 1921 corporations filing income and profits reports after paying all taxes had net profits of $38,000,000,000, $30,000,000,000 of this being made by ten thousand corporations, and $19,000,000,000 by approximately one thousand corporations.

b. The repeal of the excess profits tax placed the burden of the war debt not upon those that mainly profited during the war, but upon the backs of the people.

B. It would compel corporations to pay proportionately as much tax as partnerships, and individuals doing competitive business with them.

1. The present law unduly favors corporations.
   a. A partnership pays under the present income tax law.
   b. A corporation pays under the flat rate tax law.
   c. The discrimination is such that individuals are led to incorporate to escape taxation.

C. It would tend to equalize taxes between small corporations earning 10 per cent or less and large corporations earning abnormal profits above 10 per cent.
1. Corporations making normal profits pay more taxes in proportion to earnings than they did during the war, while corporations making abnormal profits pay less tax than they did during the war.
2. Under present conditions small corporations face failure.
   a. Twenty-two thousand, four hundred business concerns failed in 1922.

IV. The proposed tax is practicable.

A. It can be administered.
1. The tax has been in operation recently and has functioned in raising vast sums for the government.
2. No tax is perfect in operation.
3. Under a fixed rate of profit and an excess profits tax on an established scale the bookkeeping staff of corporations, can compute the sum due the government.
4. Manipulation of books would not be generally practised.
   a. The average citizen would be as conscientious in this as in other business dealings.

B. It would be convenient.
1. It would be paid from profits at regular intervals at a time convenient for the payee—when profits are in hand.

C. It would be certain in producing revenue.
1. The profits of corporations are sure and unfailing.
2. There was no unreasonable diminution under the old law.

a. The decrease in revenue before its repeal was due to the collapse of the war boom in industry.

b. Receipts were higher than estimated in the budget for 1921.

NEGATIVE

I. There is no necessity for the reenactment of the excess profits tax at the present time.

A. According to the best informed authorities our present resources are sufficient.

1. We have the statements of Presidents Wilson and Harding.

2. The Budget Committee report for 1922 showed large excess of receipts over expenditures.

3. Presidential messages forecast a balanced budget for 1923, and excess receipts for 1924.

B. Interest on our national debt and sinking fund for the gradual retirement of the principal is being taken care of.

C. The settlement of the British debt will supply our government with resources for the next sixty-two years.

D. Our present sources of revenue are producing income faster than was calculated.

1. Tariff law produced $100,000,000 more during the first three months of operation than estimates contemplated.

2. The income tax produced $100,000,000 more during the first three months of 1923 than during a like period in 1922.

II. The excess profits tax is not expedient.

A. It has been condemned by three secretaries of the treasury, Glass, Houston, and Mellon, representing different political parties, different sections of the country, and different interests, industrial, financial and agricultural.

B. It discourages and clogs productive industry.
   1. It leads to withdrawal of investments in favor of steady and sure income in tax-exempt securities, for
      a. The investor stands risk of loss or of having his profits taxed away.
   2. It discourages the reinvesting of profits to expand business.
      a. It would increase the amount of the tax correspondingly.
   3. It throws men out of work, stops production, causes economic crisis.

III. The proposed tax is not equitable.
   A. It works inequitably between corporations.
      1. It taxes the corporation that risks its money in a highly speculative business more than a corporation that makes a staple product and takes little risk.
   B. It works inequitably between individual stockholders in the same corporation.
      a. Small stockholders dependent on dividends for existence are taxed at the same rate as the large capitalist.

IV. The proposed system is not practicable because of administrative difficulties.
   A. The calculations of deductions cannot be fairly computed.
      1. There is nothing to prevent deductions being so inflated as to a large extent escape the excess profits tax.
         a. A fair tax must allow right of officers of a corporation to determine deductions, for only they know what should be allowed for compensation of officers, for repairs, and for exhaustion.
   B. The calculation of invested capital is difficult.
      1. The same objections hold as in the case of deductions.

C. The government check presents difficulties.
   1. It requires a great number of additional complete and exhaustive schedules.
   2. The Internal Revenue Commissioner has authority to pass on the reasonableness of figures.
      a. This leads to endless claims for reassessment, rebate, and refund.

D. It is denounced by men in whose hands lay the administration of the former tax, and by the most intelligent business interests of the country who had first hand, direct observation of its practical application.
   1. The Treasury Department, the United States Chamber of Commerce and the chambers of commerce over the United States.

EXCESS PROFITS TAX

WEST VIRGINIA UNIVERSITY

AFFIRMATIVE SPEECHES AGAINST OHIO STATE UNIVERSITY

FIRST AFFIRMATIVE

John W. Hereford, West Virginia

MR. CHAIRMAN, LADIES AND GENTLEMEN: On March 3, 1917 there was placed upon the statute books of our Federal government, what is today known as the excess profits tax law. That law had as its major purpose the obtaining of revenue for the maintenance of our Federal government, and it sought to garner that revenue from the excess profits of corporations. In 1921 that law was repealed and the only substitute offered in its place was an additional 2½ per cent tax upon the income of corporations.

Feeling as we do today, that the present needs of our Federal government exceed its actual income, that the burden of taxation is not placed where there is ability to pay and that corporations are not bearing their just share of our nation's burdens, we of the Affirmative maintain that an excess profits tax should be made a part of our Federal fiscal system.

An excess profits tax as explained by our Federal statute of 1918, Barnes' Federal Code, 1919, sections 5545 and following, is a tax upon the profits of corporations, over and above a reasonable profit after the deduction of all necessary and reasonable expenses. In other words, this tax, as we advocate it, allows the corporation a reasonable profit after the deduction of all necessary and reasonable expenses of carrying on the business, but all over and above that reasonable profit is excess profit and taxable by the Federal government as such.

We do not propose this tax as a means to punish corporations—no tax should be used for that purpose; but we do advocate it for the purpose of more equitably distributing the burden of taxation, and to obtain additional revenue for the maintenance of our Federal government.

In asking the adoption of this tax we do not propose to repeal any tax law now in existance, but only to add the excess profits tax as supplemental to all others.

The one big issue in this debate, this evening, as we see it is whether corporations as such are to be made to bear their just share of our nation's burdens; or whether they are to be permitted to continue to shift this burden onto the backs of the people, or of their competitors doing business as partnerships, uncharted companies and private individuals.

We of the Affirmative, in order to maintain our position in this debate, hope to prove: first, that the present needs of the Federal government exceed its actual income; second, that the tax which we propose as a means to supply that need, is equitable; and, last, that it is practicable and, therefore, should be adopted.

It is, then, my purpose to establish the Affirmative's first point, viz. that the present needs of the Federal government exceed its actual income.

Ladies and Gentlemen, ours is the greatest and wealthiest nation on the earth. It stands the pride and envy of all nations. It has been breathed upon by the breath of providence —caressed by the hand of prosperity. America proudly lifts her head and boasts of her great wealth. But our nation, possessed as she is of valuable mines, rich fields of oil and gas, magnificent factories and a great network of railroads, so skimps some of the essential departments of her government as to seriously affect their efficiency.

Why is it, Ladies and Gentlemen, that you must entrust the protection of your home, the safety of your nation and the honor of your flag to a little army of only one hundred and twenty-five thousand men?

It was ex-Secretary of War Baker who, having been sharpened by experience, said at the close of the war, "To adequately protect this nation will require a standing army of five hundred thousand men." (Nation, November 29, 1919, volume 109, page 675.) Yet today we have in our army not five hundred thousand men, but only one fourth that number; not five hundred thousand men, but only one hundred and twenty-five thousand men.

Then in the face of a fact like this, and with all the wealth which this nation possesses, why is it that we must entrust our safety to a little army of only one hundred and twenty-five thousand men, scattered from the Atlantic to the Pacific, from

Maine to the Gulf of Mexico and to all the island possessions of this country? Why must we leave our protection as a nation to an army far too small to protect us; and depend upon the strategy and diplomacy of American statesmen to keep us out of war when almost every nation of Europe is now upon the brink of revolution.

Why was it that William G. McAdoo resigned as Secretary of the Treasury? Because, as he said, he had a family to support and could not support it upon the meager salary which the government allowed him.

Why did John W. Davis recently refuse a seat upon the Supreme Court? Because his personal treasury had not been replenished sufficiently from the heavy drain it suffered in order to maintain the dignity of a nation so wealthy and proud as ours at the Court of Saint James.

Why does this nation ask Charles Evans Hughes to sacrifice a half-million dollar law practice in order to accept a position in the Presidential Cabinet at the insignificant salary of only $12,500 per year?

Has it come to this, Ladies and Gentlemen, that our nation must beg? Must we, possessed of the vast wealth which this nation holds, maintain our Federal government like a nation of paupers? Lack of sufficient income compels us to pay extravagant interest burdens—each year we are giving away $975,000,000, or sixty-five times as much as it takes to maintain the legislative department of our government for one year, as interest upon a $22,000,000,000 national debt.

Lack of sufficient income compels us to neglect the education of the growing citizen. According to Huebner's Statistical Tables for 1927, 24.9 per cent of America's drafted citizenry during that year of the war could not read the English language! With that fact staring our government in the face, it appropriates less to the progress of education each year than it does to wipe hog cholera from our land. Lack of sufficient revenues compels us to borrow to meet obligations falling due. Do you realize that within the past twelve months our Federal government has had to borrow—actually had to borrow $500,000,000!

On page 1028 of the budget, 1924, we find that we shall, for the year 1924, pay $1,500,000 as rent to house our poor, homeless, poverty-stricken Federal government and thus bring it to the indignity of being a tenant.

Thus we see that with all our wealth, because of insufficient

revenue, we sacrifice our safety to an army far too small to protect us in time of necessity; that we each year pay $975,000,000 as interest upon a $22,000,000,000 national debt; that our Federal officers are poorly paid, and that good men are lost to the government because they cannot afford to serve at such great personal sacrifice; that our government pays less to the support of education in this country than it does to eliminate hog cholera; that we, each year, are paying $1,500,000 as rent, and that our government has actually had to borrow $500,000,000 within the last five months.

In the face of facts like these, then, is it not ridiculous to ask, "does the Federal government need more revenue?"

Ladies and Gentlemen, have you ever asked who made the greatest profits out of the war? That question is answered by the Statistical Abstracts for 1918 in two words—American corporations. According to that same authority, American corporations made 200 per cent and over in profits during the period of the war or $10,500,000,000; a sum more than three times as great as it takes to maintain our Federal government for one year. This great profit was taken from our Federal government and the American people in the form of extortionate prices.

While the American soldier was falling upon the fields of France, money in the form of extortionate prices was falling into the treasury of American corporations. When the American soldier returned from France, clothed in the uniform of his country, what did he find? He found American corporations two hundred times stronger than they were on the day he took his departure to serve his country. He found his government greatly indebted to these corporations, for they were, and still are, the greatest holders of government, non-taxable bonds. He found himself then, and finds himself today, paying interest to these corporations on the bonds for which they paid money extorted from the Federal government and the American people in the form of excessive profits.

Upon the one hand we have the American soldier who, during the war, sacrificed his time, placed his life upon the altar of his country, went away from home and financially gained absolutely nothing; upon the other we have the American corporation, that sacrificed nothing, remained at home and made the most extortionate profits that have ever been known in

the history of this country. Which of these should pay the cost of the war? You may say, the American soldier has already paid. 'Tis true he has paid, but, as my colleague will show you, he is still paying more in proportion to his ability to pay than are the American corporations.

Recently the American soldier who fought for the protection of your home, for the safety of your country and for the honor of your flag, and for the American corporations, Mr. Chairman, has asked the Federal government for money in the form of a bonus with which to meet his obligations. The government has pushed him back and said, "No, we cannot pay you a bonus; we are not able; this country is too poor." In almost the same breath it has turned to the American corporations and said, "We do not need to tax you longer; we repeal the excess profits tax law."

Thus far, the Affirmative has attempted to show that the present needs of the Federal government exceed its actual income; it has pointed out to you a great source of revenue which is, today, practically untouched by the hand of taxation, and it has shown you the logic of a tax upon corporations. Therefore, we of the Affirmative urge that an excess profits tax be enacted and that the revenue derived therefrom be used to meet the deficiencies of our Federal government.

The next speaker of the Affirmative will show you that the tax we propose is equitable, and the last speaker, that it is practicable and therefore should be adopted.

SECOND AFFIRMATIVE

Charles P. Harper, West Virginia

Mr. Chairman, Ladies and Gentlemen: My colleague has established the proposition that the Federal government needs a vast additional amount of revenue, and has shown you the logic of a tax on the excess profits made by corporations. The next step in our argument will be to demonstrate that an excess profits tax is an equitable means by which to derive this additional revenue.

In order to establish this as a reasonable presumption, I shall try to show: 1. That this proposed tax burden will fall entirely upon corporations making excess profits, and that these corporations were the chief beneficiaries of the World War.

2. That an excess profits tax will compel corporations competing in business with partnerships and individuals, to pay as much tax to the Federal government as do their competitors. 3. That the present 12½ per cent flat rate corporation tax law discriminates against the small corporation earning a normal return of 10 per cent and less, in favor of the large corporation earning abnormal returns of 11 per cent and above, while an excess profits tax does not.

More than one hundred and fifty years ago, Adam Smith, the "father of political economy," laid down four fundamental principles of taxation. These principles have been accepted by leading economists from that day until this. In one of those principles he said: "The subjects of every state ought to contribute toward the support of the government, as nearly as possible in proportion to their respective abilities; that is in proportion to the revenue which they respectively enjoy under the protection of the state." By revenue he means "rent, profits and wages."

Ladies and Gentlemen, we of the Affirmative maintain that an excess profits tax is a tax placed on corporations "in proportion to the revenue which they respectively enjoy under the protection of the state."

Let me illustrate. According to the records of the Internal Revenue Bureau for 1921, the corporations filing income and profits taxes reports, after paying an excess profits tax, a war profits tax and all other taxes, had net profits of $38,000,000,000 between the years 1916 and 1921. It further shows that $30,000,000,000 of this amout was made by ten thousand corporations; that $19,000,000,000 of this amount was made by approximately one thousand corporations such as the United States Steel Trust and the Standard Oil Company. Think of it, Ladies and Gentlemen, ten thousand out of a total of three hundred and seventeen thousand corporations received $5,000,000,000 more net profits in five years than was the total wealth of our nation when we celebrated the one-hundredth anniversary of our national independence! And then ask yourself the question, "are the corporations bearing their just share of our great war debt?"

In 1921 these same corporations which had lived on the fat of the land while two million of our boys were in France, fighting for the people of America, fighting for our institutions, fighting for these same corporations, if you please, that

they might survive and continue—urged, or in the words of Congressman Little compelled, Congress to repeal the excess profits tax law, thus placing the burden of paying our great war debt not upon those that mainly profited during the war, but upon the masses of the people, including these boys, many of them wounded, maimed and out of employment.

Who, Ladies and Gentlemen, is the more able to pay our great war debt, the corporations that made $38,000,000,000 net profit during the war and immediately after, or the boys who fought on Flanders' Fields for $1 a day?

I now come to my second point. Under our present 12½ per cent corporation tax law, corporations doing business competing with partnerships and individuals pay less tax than do their competitors. We maintain that an excess profits tax would compel these corporations to pay proportionately as much tax to the support of our government as do partnerships and individuals. In the limited time that I have it will be impossible for me to compare in detail the taxes paid by corporations with taxes paid by all others doing competitive business with them. That corporations are favored by the present laws seems apparent. (I take my examples and authority from Secretary Houston's United States Treasury Report for 1920.) Here we have on the one hand a partnership and on the other a corporation. The partnership earns, we will say, a net profit of $600,000 on $2,000,000 invested capital and sets aside $450,000 of this amount as undivided profits. Under our present income tax law, the partnership would have to pay a tax to the government of $279,570. Now observe how the present tax would affect a corporation earning the same profits, on the same invested capital, and setting aside the same amount of undivided profits. What tax would it pay to the government under our present normal flat rate tax law? It would pay a tax of only $75,000!

Is it just, Ladies and Gentlemen, is it equitable, that this partnership or individual competing with a corporation, should pay $200,000 more annual tax for the support of the government than does its competitors? Can our Opponents deny that individuals and partnerships, doing business in competition with corporations, are paying a much greater tax to the Federal government than do the competing corporations?

A short time ago a wealthy family in Connecticut applied

to the state for a charter of incorporation. Why? Merely to escape taxes, because it has to pay more tax as individual members of a family than it would as a corporation.

Think of the millionaires—and thousands of them were made during the war—who may take advantage of the privilege of incorporating themselves in order to be taxed under the 12½ per cent flat tax rate rather than the higher income tax and thus keep millions of dollars from the government's coffers!

Our last argument for the excess profits tax on grounds of equity is based upon the fact that the present 12½ per cent flat rate corporation tax law discriminates against the small corporation, earning a normal return of 10 per cent and less, in favor of the large corporation, earning abnormal profits above 10 per cent; while an excess profits tax tends to equalize taxes. I quote from a table prepared by Howard C. Beck, a certified accountant of Washington, D.C., whose table was approved by treasury experts. He cites a corporation earning 10 per cent on an invested capital of $50,000. Under the present flat rate corporation tax law it pays $37.50 more tax to the government than it did under the old excess profits tax law, while a corporation, with $500,000 invested capital and earning 50 per cent on its invested capital, under the 12½ per cent flat rate tax instead of paying more tax to the government, as did the small corporation earning normal profits, pays $58,060 less tax than it would under the excess profits tax law.

Will my Opponents deny that the small corporations making normal profits are paying more taxes in proportion to earnings under our present system of taxation than they did during the war; and that corporations making abnormal profits pay less tax than they did during the war?

Ladies and Gentlemen, with the small corporations paying more tax than they did during the war, and partnerships and individuals doing competitive business with corporations paying three times as much tax as do competing corporations doing the same amount of business, is it any wonder that, according to Bradstreet's Report, twenty-two thousand four hundred business concerns failed in 1922? Was it the large concerns, such as the United States Steel Trust, the DuPont Companies and others that failed? No, it was the small business concern, thousands of which dot the Ohio River valley, from Pittsburgh to the Mississippi.

We of the Affirmative maintain that an excess profits tax will do away with this discrimination against the small corporations, partnerships and individuals, because it places the tax on those corporations able to pay.

To sum up my argument, I have endeavored to prove to you that an excess profits tax is an equitable means by which to derive the needed revenue, for the following reasons: 1. That this tax burden will fall entirely upon corporations making excess profits, and that these corporations were the chief beneficiaries of the World War. 2. That an excess profits tax will compel corporations engaged in business in competition with partnerships and individuals to pay as much tax as do their competitors. 3. That the present 12½ per cent flat rate corporation tax law discriminates against the small corporation earning a normal return of 10 per cent and less, in favor of the large corporation earning abnormal profits above 10 per cent, while an excess profits tax does not.

The next speaker of the Affirmative will prove to you that an excess profits tax is practicable.

THIRD AFFIRMATIVE

Maurice G. Brooks, West Virginia

Thus far the case of the Affirmative has centered in two main points: first, that the present sources of revenue are not sufficient to maintain the government in a way commensurate with its dignity; and second, that the present tax system is so unjust in its operation that it must be amended to prevent national injustice. We have now to consider the actual workings of such a tax as the Affirmative proposes.

More than one hundred years ago a great English economist, Adam Smith by name, wrote a book entitled "The Wealth of Nations" in which he laid down four principles with which every tax system must conform if it is to be successful and desirable in its operation. These four principles were that a tax must be equitable, that it must be practicable, that it must be convenient and that it must be certain. These principles have never been challenged or amended; they still stand as the basis of measurement for any desirable tax; and it will be my purpose to show just how well the tax that we purpose measures up to these requirements.

Let us first consider the matter of the equity of the tax. This involves the question of justice, and carries with it the idea that any tax should be distributed evenly and should be levied on those who are best able to pay it. My second colleague has shown some of the inequities of the present tax system; its failure to distribute the burden equitably. What answer can the Negative make to this, in support of their claim that an excess profits tax should not be levied upon corporations? Will they urge that since the corporations venture more money in their business enterprises and apparently take greater risks that their returns should be correspondingly greater? What then of the wheat farmer of the northwest who faces the prospect of having at least one crop out of every five destroyed by early frosts? What of the southern planter who sees perhaps half of his cotton crop ruined by the boll weevil? What of the ravages of insects, which, according to C. H. Marlatt in the "Department of Agriculture Yearbook for 1904," exact each year from the farmer a sum equal to the total revenues of the United States government?

Take another aspect of the case. The gentlemen of the Negative, with all their weeks of preparation have failed to show you a single specific instance where the excess profits tax as it operated during the war worked any undue hardship on either corporations or individuals. That the tax worked, that it raised vast sums of money, and that it took this money from the class most able to pay cannot be denied.

When we consider these things, then what merit is there in the plea of the Negative that the present tax system does not need revision; and that the excess profits tax which we propose will work hardships upon corporations? We can only conclude that the proposed tax will help lift the burden of taxation from the shoulders of the farmers and workers who are now bearing it, and distribute it more evenly upon the shoulders of those who are abundantly able to pay and whose business will in no way be endangered by it.

Let us consider the second point as laid down by Adam Smith—that of the administration of the tax. Our Opponents have dwelt at length on the point that such a tax as we propose has certain fundamental objections that make it almost impossible to administer. We must get down to the plain fact in the case, however, the fact that the tax has been in opera-

tion recently, and that it has functioned in raising vast sums for government

We are not proposing some new theoretical tax system which has never been tried in our country. We have shown that more revenue is absolutely essential to the government, and we submit the excess profits tax as the one tried means of supplying this revenue.

That there were difficulties in the old tax we are not here to deny. We of the Affirmative are not here to urge our system as a perfect tax, but we would like to ask the Negative to name one tax that has been perfect in its operation, one that has not met with strenuous objection from some portion of the population. The perfect tax system has never yet been devised. Colbert, the famous French Minister of Finance, said, that taxation is "merely the process of so plucking the goose as to get the greatest amount of feathers with the least amount of squawking." There have always been objections to a tax, there always will be. The tax collector has been a despised figure since time immemorial.

The simple truth must still prevail, however, that a way can be provided, since it has been in the past, to make possible the administration of such a tax as we propose. We know that in this day of expert accountants and careful bookkeeping, every corporation must of necessity have a careful system for checking up profits and losses, and that these must be in a form to be readily applied and understood, else they are worthless. Let us suppose then that the government fixes a rate of fair profit and establishes an excess profits tax on a sliding scale. Will the gentlemen of the Negative dare tell you that the computing of the sum due the government in tax is too great a task for the bookkeeping staff of the corporation?

Again they urge the proposition that such a tax is avoidable by manipulation of books, either legal or otherwise. Let us ask them then, if they have so poor an opinion of the honesty of the average American business man as to think this practice would be general? Such manipulation might, and undoubtedly would be done in some cases, but the average citizen who has his capital invested in a corporation will pay his tax, a bit grumblingly perhaps, but still with that degree of honesty that he puts into all his business dealings. So much then for the administration of the tax.

What now shall we say of the convenience of such a tax?

Since more revenue is necessary what more convenient method could be devised than the one suggested by the Affirmative, wherein no tax will be paid until the profits are secured and the money in hand to meet the indebtedness? This proposed tax has none of the objectionable features of the nuisance taxes with which we were so familiar during the war. It would be paid from profits at regular intervals, at the most convenient time for the payee, namely when he has the clear money in hand.

Now for our fourth point we have to consider the certainty of the tax. This, says Adam Smith, is the most important consideration in any tax system. A tax may be convenient, it may be practical, it may be equitable, but if it will not produce a sure and steady amount of revenue, it is not desirable. As we have said before, our Opponents have dwelt on the fact that the tax was rapidly diminishing when it was repealed under the old law. But let us look closer. It was natural to expect a vast decrease after the collapse of the war boom in industry. But we find that in the budget for 1921 the estimated receipts from the tax were $400,000,000 whereas the actual receipts were $465,000,000, or an excess of $65,000,000. Does not this go to show that the tax in that lean year of industry had reached an irreducible minimum? We all know the power of our great corporations, and will anyone suppose for a minute that they will cease making excess profits? Before this could happen our boasted American business acumen and capacity for organization would surely cease to exist. No, we can be assured that so long as money is invested by men of business there will be accruing profits, and it is from these sure and unfailing profits that we propose to raise a portion of our government revenue.

We of the Affirmative have shown you that the government must have additional revenue; and that the proposed excess profits tax meets the requirements laid down as essential for all taxes, namely that it is equitable, that it is practicable, that it is convenient and that it is certain. Are there any of the essentials of a just and equitable tax omitted or violated in this plan? Will it not work the greatest good for the greatest number that the tax burden be distributed so that those most able to pay will bear their fair and proportionate share?

And finally, if it is not the best tax possible to meet such

demands, what will the Negative have to offer? We submit it as the only means that has been tried to raise additional revenue. We recommend it as being in accord with the best ideas and ideals of our government.

FIRST AFFIRMATIVE REBUTTAL

John W. Hereford, West Virginia

MR. CHAIRMAN: The gentlemen have accused us of having failed in our attempt to prove the Affirmative's first point, that is, that the present needs of the Federal government exceed its actual income. They quoted Secretary Mellon as having said that the government does not need more revenue. This statement is all they offered in refutation of an argument built up by almost the whole of the Affirmative's first speech. They say we do not need more revenue because Secretary Mellon says we do not.

In answer to this we do not question the high authority from which the gentlemen quoted. We, too, have used the same authority in our argument this evening; but what we do question, is whether the Secretary of the Treasury meant the same thing as the Affirmative meant when they said the present needs of the Federal government exceed its actual income. The Secretary of the Treasury meant that our budget balances. We admit that practically speaking it does; but what we have contended this evening, and still contend, is that the government has to economize too much in order to make the budget balance, and by so economizing has seriously affected the efficiency of some of the necessary departments of our government.

Any nation can balance budgets, and no administration likes to increase taxes or to add to national expenditures; but I now ask the gentlemen how they are going to get around the fact that we owe $22,000,000,000? What can they say other than that we pay each year $975,000,000 as interest on that vast national debt? Are you trying to deny, Sirs, that this government gives practically nothing to relieve illiteracy in this country? Are you going to say that our government has not borrowed $500,000,000 within the past five months? Are you going to say that our government does not lose good and almost invaluable men from governmental positions because it cannot pay them a living wage? Can you fly in the face of statistics and

say that our government will not, for the year 1924, pay $1,500,000 as rent to house Federal employees?

They cannot, Ladies and Gentlemen, deny these facts. Then if the budget balances, as the gentlemen have quoted our Secretary of the Treasury as having said it does, and these needs are left unfulfilled in that budget, will the gentlemen not have to admit that the present needs of our government exceed its income?

Have we failed to back our statements with authority as the gentlemen have accused us of doing? We have quoted from a few of the same authorities used by the Negative—Secretary Mellon, the Statistical Abstracts, and the budget. Will the gentlemen, in view of the fact that they have used these same authorities, dare say they are insufficient? If they do they are impeaching the credibility of their own testimony.

Now as to other authorities used to substantiate the arguments of the Affirmative—I should like to know what better authority can the gentlemen ask? We have quoted from ex-Secretary of War Baker; we have quoted from ex-President Wilson; we have given you the words of William G. McAdoo; we have given you quotations from Adam Smith's "Wealth of Nations"; and citations to Barnes' "Federal Code." In the face of these authorities the gentlemen have accused us of having given no authority. We submit it to you and ask you to be the judge of the matter, Ladies and Gentlemen.

In the beginning we asked the Negative to state whether or not they intended to compel corporations to bear their just share of our nation's burdens, or whether these corporations were to be permitted to go on shifting the burden of taxation to the backs of the people and to the competitors of these corporations doing business as individuals and partnerships? We demanded of the gentlemen that they answer this question, without evasion. You know the result, they have evaded it, absolutely, and it is the firm belief of the Affirmative that the gentlemen will continue so to do.

SECOND AFFIRMATIVE REBUTTAL

Charles P. Harper, West Virginia

Mr. Chairman, Ladies and Gentlemen: Our Opponents would have you believe that our Federal government is overflowing with surplus revenue, in spite of the fact that we are

paying over $1,000,000,000 annual interest on our $23,000,000,000 war debt. They assert that there has been a surplus of receipts over revenues of over $300,000 for the past three years, but they have not told you that this surplus was due to the operation of the old excess profits tax law which was not repealed until January 1, 1922. Also they have concealed from you that during the first five months of the fiscal year 1923, instead of a surplus of revenues over expenditures, we had an actual deficit of $109,000. They failed to explain that while we had an excess profits tax law we paid, actually paid, $1,000,000,000 of our war debt out of current revenues; and that since its repeal, according to the budget for 1924, we have paid approximately only $250,000,000 since June 30, 1922, and that our government has been compelled to borrow $4,613,491,850 to refund its obligations as they came due in the fiscal year of 1923.

The second point my Opponents stressed was that an excess profits tax does not produce steady and adequate revenue. We of the Affirmative do not maintain that an excess profits tax is a tax the income from which can be calculated to the very cent; but we do maintain that the old tax not only produced $10,000,000,000 in taxes during its operation, but that it also exceeded the estimates of Secretary Mellon for 1921, by $50,000,000. Further, we ask our Opponents to name any perfect tax system, a tax system that produces a steady and adequate revenue. Every objection that they have raised against the excess profits tax applies to the income tax, the excise tax, the tariff and others.

The third point stressed by our Opponents was that an excess profits tax is calculated on invested capital and that corporations alone were able to tell what their officers were worth to them, what amount should be allowed for depreciation and improvements, and that the tax could be evaded by juggling the accounts. I have shown you in my constructive argument that in spite of the fact that corporations did raise their officers' salaries; in spite of the fact that they did pad their allowances for depreciations and improvements, that they still made $38,000,000,000 net profits during the war and immediately after, after paying $10,000,000,000 tax to the Federal government.

I have also shown in my constructive argument that an excess profits tax will compel corporations doing business in com-

petition with partnerships and individuals to pay proportionately as much tax as do their competitors, while our present system of taxation makes partnerships and individuals pay practically three times as much tax as do their corporation competitors. Further, that the present 12½ per cent flat rate corporation tax law discriminates against the small corporation earning normal profits of 10 per cent and less, in favor of the large corporation earning abnormal profits above 10 per cent; while an excess profits tax is based on the ability to pay. Therefore it is an equitable means by which to derive the vast amount of money needed by our Federal government in order to retire its great World War debt.

THIRD AFFIRMATIVE REBUTTAL

Maurice G. Brooks, West Virginia

The chief objections which the Negative has raised to the tax which we propose have had to do with apparent uncertainties in the tax, so-called inequities, and difficulties of administration.

There is one major consideration which they have apparently overlooked, however, and that is that we are not prosposing this tax to supplant the present methods of raising revenue, but that, as we have stated, we intend it to revise and amend the present system; to redistribute the burden, not to remove it.

We of the Affirmative are good enough pragmatists to believe that nothing succeeds like success. We must therefore urge again that, in spite of all the objections that have been raised against our tax, it actually functioned both under war and under peace conditions; that it did serve to raise vast sums of revenue. This cannot be denied, since in the final year of its operation, according to the treasury report for 1922, it brought in to the government the sum of $465,000,000, a vast amount even when we become accustomed to speaking in terms of billions in the glib way that prevailed during the war.

The repeal of the tax was urged on the grounds that it was raising the cost of living. What do we find has happened since its repeal? Do you know that for almost the last year the cost of living has been steadily rising? If you will examine the charts prepared by the Labor Board you will find

that the fall in the cost of living immediately following the repeal of the law was so slight as to be inconsiderable, and when we consider the present steady rise, we find this argument empty, and this thesis of our Opponents definitely exploded.

There is yet another principal objection to the proposed tax which our Opponents have raised: that of the difficulties of administration. There were difficulties indeed, but have they shown you that these difficulties were greater than those connected with the administration of other taxes? Can they defend the income tax, for instance, when we take into consideration the recent treasury report which states that more than $750,000,000 of collected taxes have been and will be returned, due to unfair and inaccurate collection? No, this tax is certainly no worse than our other taxes in the matter of administration, and I propose now in answer to their arguments to show wherein it is better.

Do you know that the government is now administering a flat rate tax of 12½ per cent on corporations? This tax involves essentially the same calculations that an excess profits tax would, and we find the government already in possession of the machinery for administering the tax without the necessity of evolving new and perhaps cumbersome methods. This then is our answer to the Negative on the grounds of administrative difficulty. When the government is already provided with the facts and the machinery necessary for the tax collection, what good reason is there that the tax should not be collected when excess profits are being made. This will not affect any corporation doing business on a narrow margin of profit, for the government will fix the rate of fair profit, and no tax will be collected until this is exceeded.

To conclude then, we of the Affirmative have shown you that the tax which we propose is necessary in order that the dignity of the government may be maintained; that the present tax system contains inequities that make some revision necessary; and that the excess profits tax which we propose is the best possible means for raising more revenue and for making this necessary readjustment; in that it is equitable, that it is practicable, that is convenient and that it is certain. On these grounds, then, we rest our case.

Negative Speeches in Debate against Indiana University

FIRST NEGATIVE

Harold L. Snyder Jr., West Virginia

Mr. Chairman, Ladies and Gentlemen: The abstract question involved in the proposition for debate this evening is whether or not the government shall reenact the excess profits tax as a feature of our Federal revenue-raising system. Any person who proposes such a move, and of course this includes the gentlemen of the Affirmative, must justify the enactment of an excess profits tax upon several grounds: first, necessity; second, expediency; third, equity; and fourth, practicability.

If the gentlemen of the Affirmative seek to justify an excess profits tax upon the ground of necessity, they must show that our government is in actual need of revenue at the present time, and that the existing sources of revenue are not sufficient to meet that demand; if they seek to justify the tax upon the ground of expediency, they must show that the need for revenue is so great that it must be obtained from this source, no matter what the cost may be; if they propose to justify the tax upon the ground of equity, they must show that the tax burden at the present time is unfairly and unwisely distributed, and that the excess profits tax would redistribute that burden more wisely, more fairly; if practicability is the ground upon which the gentlemen of the Affirmative choose to stand, they must prove that the excess profits tax will actually produce, in times of peace, any additional revenue they may have proved we need. We of the Negative propose to meet the gentlemen of the Affirmative upon every one of these four grounds—necessity, expediency, equity and practicability, and show that an excess profits tax cannot be justified upon any of them.

As first speaker on the Negative, it is my purpose to bring forth evidence to prove that the government does not need additional revenue at the present time because our present sources of revenue are sufficient; and second, to prepare the way for the second speaker on the Negative by showing that an excess profits tax, upon good authority, is not an expedient method of raising revenue in times of peace.

In determining the question of whether or not our government needs revenue, to whom would the student of the question

turn? Logically, what officials of our government would be the best informed on the situation? Would you say that the President of the United States, charged with the administrative functions of government, and who keeps his ear to the ground of finance, would be in a position to know? Would you agree that the Budget Committee, and the Director of the Bureau of the Budget, upon whose recommendation every dollar that is expended in national government is appropriated—would you say that the Budget Committee would be in a position to judge whether or not the government needed revenue? These officials, we submit to you, are perhaps most competent to judge this fact.

President Wilson, in his message to Congress in 1919, stated that owing to the decline in governmental expenditures, which was making itself known during that time, he recommended that some of the revenue-raising features of our tax program that were becoming objectionable should be cut off, further stating that in the future, a smaller amount of revenue would be sufficient to run the government. And his successor in office, President Harding, in his special message sent to all departments in February of this year (1923), stated that the present sources of revenue were more than meeting expectations, while at the same time a satisfying reduction in expenditures continued, the result being that the government was collecting sufficient revenue to meet the financial needs of the nation with ease. Here, then, are the statements of two well informed men, the leaders of the two great political parties, expressing a practical unanimity of thought upon a question which has a very vital significance in the discussion of the excess profits tax. If the leaders of both great parties unite in the opinion that present sources of revenue are sufficient, does not that remove any suspicion that the excess profits tax was repealed as a political measure?

But, we need not accept the testimony of the Presidents alone as final, for the Budget Committee, in its various reports, gives further backing to our statement that the present sources of revenue are sufficient. I hold here the last report of the Director of the Bureau of the Budget. On page 10, in the financial statement, the figures show that the excess of receipts over expenditures for the fiscal year of 1922 was $313,801,651. During the fiscal year which ended July 1, 1922, the government actually collected almost a third of a billion dollars more than

it spent during that year. We submit to you that the logical inference—in fact, the only inference—that can be drawn from this is that the government during the fiscal year of 1922 did not stand in need of any additional revenue, and certainly during that year the sources of revenue, without the excess profits tax, were sufficient to meet the needs—and give an excess. How about 1923? Will we have an excess when the books are closed for this year? According to the presidential message already cited, "there is a strong possibility that the budget will be balanced by the end of the fiscal year." We admit that the first estimates by the Budget Committee forecasted a deficit. But at the present time, indications are that the receipts will balance the expenditures for the fiscal year of 1923.

But it would be unwise to pass on without first ascertaining what the prospects for the future are. According to the message of the President, transmitting the report of the Budget Committee to Congress in the opening session of last December (1922), the committee estimates that for 1924 the receipts will exceed the expenditures by the enormous sum of $388,000,000. And there is strong probability that this excess will actually be produced, because Congress, strange to say, passed the appropriations as the Budget Committee recommended them in every instance except two, and this year, or rather the year 1924, will see no piling up of late appropriations.

If for 1922 there was an excess of $313,000,000 of receipts over expenditures; if for 1923 they will balance, upon the best authority available; and if for 1924 an excess of receipts of nearly $400,000,000 is forecasted, we ask the simple question: "Does not that show that our government does not stand in need of additional revenue, and that the present sources of revenue are sufficient to meet the needs?"

Let me impress upon you the fact, in addition, that the excesses quoted here, and the expenditures mentioned, include not only all expenses necessary and incidental to running the government from year to year, but they include as well payment of the interest on our national debt and the gradual retirement of the principal contracted during the war. Payments have been made during these years in accordance with the plan of retiring the debt, and the sinking fund has been considered and taken care of when the budget was made up. An excess profits tax cannot be urged, then, upon the ground that it is

necessary to pay off our long-term indebtedness, because that payment is already being taken care of, and is being carried along in accordance with the plans and policies of the Treasury Department.

In addition to our present sources of revenue, the settlement of the British debt will supply our government with unlooked for resources for the next sixty-two years. While the principal of that debt is slightly under $5,000,000,000, yet the plan of payment is such that the grand total to be paid to our government, including interest, is over $11,000,000,000. This vast sum can be applied from year to year in meeting our indebtedness as it comes due. Add to this the fact that the present sources of revenue are producing money faster than was calculated. During the first three months of operation of the new tariff law, $100,000,000 more was produced than the estimates contemplated. The income tax produced $100,000,000 more during the first three months of 1923 than it yielded during a like period in 1922. And so all along the line. Every bit of evidence, tends to show that no further revenue is necessary, but that our present sources of revenue are sufficient.

But if we should grant for the moment that the government stands in need of revenue, and that additional funds are needed, the Negative would still contend that an excess profits tax would not be an expedient method of producing this revenue. Let me here barely touch upon this question of expediency, and prepare the way for the second speaker on the Negative. In determining whether or not an excess profits tax is an expedient method of producing revenue for governmental purposes, again let me ask who, among all the officials of government, are best qualified to judge? Would not the secretaries of the treasury, upon whom devolve the problem of the administration of all Federal taxes, be the most competent men to pass on the question? Would not their opinion have unusual weight?

If you grant me this then let me state that Senate Report number 275, Sixty-seventh Congress, which I hold here, contains some interesting information regarding the attitude of the secretaries of the treasury toward the excess profits tax. The repeal of the tax was urged by Secretary Carter Glass, a Virginian by birth, and a southerner in sympathy, in his annual report as Secretary of the Treasury in June, 1919. The following year Secretary Houston of the Treasury Department, a North

Carolinian by birth, who was raised in Missouri, who was president of a Texas agricultural college, and whose first office in the President's Cabinet was Secretary of Agriculture, also recommended that the tax be abandoned. "Still more objectionable is the operation of the excess profits tax in peace times," are the words he uses in condemning the tax. The following year, in 1921, Secretary Mellon, in a letter to the chairman of the Ways and Means Committee, recommended that the tax be repealed. Mr. Mellon, who comes from Pittsburgh, may be said to represent the eastern financial interests. The opinions of these three secretaries of the treasury who unite in demanding repeal, constitute a striking condemnation of the excess profits tax. Of different political parties, representing different sections of the country, the south, the west, and the east, voicing the opinion of different interests, industrial, financial, and agricultural, these statements of these men are unanimous in opposition to the excess profits tax. We maintain that this removes all doubt as to whether the repeal was urged as a sectional measure, a political measure, or a commercial measure. From these statements, the only inference that can be drawn is that the excess profits tax was and is inexpedient.

As first speaker for the Negative, I have endeavored to show that the excess profits tax cannot be justified upon the ground of necessity, because our government does not need further revenue—and the present sources of revenue are adequate to meet the needs. I have touched upon the question of expediency. The second speaker for the Negative will present further evidence to prove that the excess profits tax would not be an expedient method of raising revenue in peace times, even if additional revenue were needed.

SECOND NEGATIVE

Lacy I. Rice, West Virginia

Thus far in our argument we have tried to show you that an excess profits tax as proposed by the Affirmative cannot be justified on the ground that the government is in need of more revenue. It will be my purpose to continue our case by showing that such a tax would not be expedient at this time and that it would not be equitable in its operation.

There are two statements, made by secretaries of the treasury under different administration, which sum up the

conclusions which I wish to draw in my argument. The first was made by Secretary Houston in the Treasury Report for 1920, page 38. He says, "The excess profits tax has failed in its operation. It discriminates against the conservatively financed corporation, in favor of those whose finance is exaggerated." Listen also to the statement of Secretary Mellon in a recent treasury letter in which he declares, "The excess profits tax is artificial and troublesome. Taxes of this extreme character are clogs upon productive business, and should be replaced by other and more equitable taxes."

Upon these two statements then, these texts if you please, I will base my argument.

Let us first inquire into the expediency of such a tax as the Affirmative proposes. We believe it is fair to assume that every honestly conducted corporation should be allowed to make a fair profit. But do you know that during the last year, according to the "Investor's Manual," of one hundred representative corporations whose stock is listed on the New York Stock Exchange, sixty-one failed to make any profit whatsoever, while only thirty-nine showed a balance on the profit side of the ledger? Now let us see how this would affect the investor. It does not seem probable that under such a tax as that proposed, and under the present very uncertain financial conditions, an investor would feel justified in investing his money in a corporation which would stand a long chance of losing money, and which would have its profits taxed away from it should it be fortunate enough to make them. Would it not be safer and more simple to withdraw money invested in such speculative enterprises and invest them in tax-exempt securities, thus assuring a steady and sure income?

This is exactly what happened when the old tax was in operation. So great did the tendency become to withdraw money from productive business and invest it in Liberty and Victory bonds that the government felt called upon to promulgate a campaign to encourage the small investor to hold on to his bonds.

We know that the history of every business has been in the nature of an evolution. Let us take, for example of this the Mergenthaler Linotype Machine Company; the company that manufactures the machines that make possible the printing of our great daily newspapers. This machine was not the result

of a single invention, but was evolved by the company as money became available and as profits justified expansion. Now, if the excess profits tax had been in operation, do you think that this company would have felt justified in reinvesting its profits in an enterprise when this would increase correspondingly the amount of tax which they would have to pay? Such a tax discourages and clogs productive industry. When we raise the taxes in order to produce more revenue, we tax the corporation out of existence and thus we defeat our own purposes in the tax, for we drive capital out of productive industry and we also throw men out of work, stop production and cause an economic crisis. There we have the vicious circle, and we must conclude that the reenactment of such a tax would be inexpedient at present.

Let us now examine into the matter of the equity of such a tax. By equity, we mean that the burden of the tax should be evenly distributed, and that those should pay most who are most able to pay. We will see if these principles hold in the proposed tax measure.

For example suppose two corporations are capitalized at the same amount. One, we will say is doing a steady business in a stable market, with a constant demand for its products, and hence its risks are almost negligible. This would probably include the manufacture of such products as food and clothing and necessities in general. The other corporation, let us say, is doing business in a fluctuating industry, with an uncertain market involving great risk in its business. This would include the production of oil and gas and the manufacture of luxuries in general. We can best see the inequities that would exist between these two corporations arising out of an excess profits tax if we compare its operation over a period of three years.

The corporation doing business in a stable industry will, let us say, make a profit of 10 per cent yearly, or 30 per cent net profit over the three-year period. Now under the old excess profits tax law, which is the only means we have of determining how such a tax would actually work, 8 per cent of this net profit would be exempt from taxation each year, so that the corporation would pay tax on but 2 per cent excess profit each year, or a total of 6 per cent for the three-year period.

Now let us take, on the other hand, the corporation doing business in the fluctuating industry. The first year we will

say it makes a net profit of 10 per cent enjoys an exemption of 8 per cent and pays a tax on 2 per cent excess profit. The next year suppose it loses 10 per cent and, of course, pays no tax. The third year, however, it strikes a period of business prosperity and makes a net profit of 30 per cent. The total then in net profit for each of the two corporations, capitalized at the same amount is 30 per cent for the period. But what of the amount of excess profit on which tax is paid? In the final year in which the corporation in a fluctuating industry has made 30 per cent, it has paid tax on 22 per cent excess profits, and this added to the 2 per cent paid the first year makes 24 per cent excess profits on which tax is paid. Compare this with the 6 per cent paid by the corporation doing a steady business in a constant market. Now, does it seem fair to tax the corporation that risks its money in highly speculative business four times as much as we tax the corporation that makes a staple product and takes little risks? Yet this is exactly what we would do under an excess profits tax.

But the excess profits tax works inequitably not only between corporations as we have seen, but also between individual stockholders in the same corporation. Let us take on the one hand the New York capitalist, who owns a large block of United States Steel stock. He derives a part of his income from this stock, but is not dependent on it for his livelihood. On the other hand consider the case of the stockholder of small means who owns a small block of stock in the same corporation and who is dependent on the dividends return for his very existence. Thousands of widows and orphans have their meagre estates so invested. Do you think it fair that the small investor should be taxed at the very same rate as the large capitalist? Yet this is exactly what happens under the proposed tax, which does not discriminate between the small and the large holder. This then shows the inequity of the proposed tax that exists because of its disregard of ability to pay.

Now then, Gentlemen of the Affirmative, can you justify a tax that has such gross inequities as we have shown existing between corporations and between individuals under your proposed tax? Will you hang a millstone about the neck of productive business by reenacting a tax so inexpedient.

Thus far in our argument we hope we have made evident to you that the proposed tax is not justified on the grounds of necessity because the government has sufficient revenue; that

its reenactment is inexpedient in that it hinders production and investment; and that its operation is inequitable in that it fails to discriminate between corporations engaged in stable and those engaged in highly speculative industries, or between large and small shareholders in the same corporation. The third Negative speaker will show that there are certain fundamental difficulties of administration that make the tax impracticable.

THIRD NEGATIVE

Hugo Blumenberg, West Virginia

Mr. Chairman, Ladies and Gentlemen: My first colleague has submitted evidence to show that the United States government at the present time is not in need of more revenue. My second colleague has pointed out to you that the proposed excess profits tax, in practice, is an unjust, an unfair, an inequitable system of taxation. But before we can pass final judgment upon any system of taxation we must first answer the question—is the proposed system workable? Is the proposed system practicable? Can it be put into successful operation?

In answer to this question the gentleman of the Affirmative has cited to you the fact that for five years an excess profits tax was a part of our fiscal system and that during that time it raised great sums of money for the government. Let me call your attention to the fact that he has presented not one word of constructive evidence to show that the excess profits tax was or can be satisfactorily administered. In answer to this same question we of the Negative wish to point out to you that the old excess profits tax, the tax proposed by the gentlemen of the Affirmative tonight, as well as any excess profits tax, involves certain fundamental principles, certain outstanding difficulties, certain necessary administrative obstacles which must be solved, which must be eliminated, which must be overcome before any excess profits tax can be put into successful operation. We wish to point out also that these difficulties existed in the old excess profits tax, that during the five years in which it was in operation the finest financial brains of the country worked on that tax, that at the end of those five years those same difficulties continued to exist, and that it was because of those unsolved administrative obstacles that the excess profits tax, to a large extent, owed its repeal.

Let us first of all examine one of the tax return sheets of

the old excess profits tax. Look at it, Ladies and Gentlemen—eight pages of complicated complexity! Examining it a little more closely we find that the excess profits tax involves four main calculations—the calculation of gross income, the calculation of deductions, the calculation of net income, and the calculation of invested capital. Examining still more closely the question of the calculation of deductions, we find the difficulties readily exposing themselves. Let me call your attention to three.

Under the head of deductions the corporation must state on this tax return sheet for the taxable year: First, the amount expended for compensation of officers; second, the amount expended for repairs; third, the estimated exhaustion or depreciation of its property.

First, compensation of officers. Does anyone know how much a man employed by a corporation is worth to that corporation, except the officers, except the men in charge of that corporation? Who can say whether a certain man is worth $5,000, $10,000 or $20,000 to a corporation, except those at the head of the corporation? Is anyone, other than the officers, in a position to know what a man is worth to that corporation? You must give the officers the right to say what a man is worth to their corporation. You must allow the officers to place their opinion on this tax return sheet in the shape of figures or you can't have a fair tax; and if you do, what is there in the law which you advocate which will prevent this "compensation of officers" from being raised to such a point that your corporation will to a large extent escape the excess profits tax?

Second, repairs. Is there anyone, except those managing a corporation, who can say what are necessary and reasonable expenses for repairs during the taxable year? Is there anyone, except the officers of the corporation, who is qualified to determine what that corporation must spend for repairs? You must give the officers the right to say what repairs their business needs. You must permit the officers to place their opinion in the form of dollars and cents on this tax return sheet or you can't have a fair tax; and if you do, what is there in the law which you propose which will prevent these repairs from being so extensive and so extravagant as to exclude, to a large extent, the corporation from the payment of the excess profits tax?

Third, exhaustion. Here we must deal with the nebulous problem of depreciation, of wear and tear, of the gradual

lessening of the value of property. Here again, we ask, can there be anyone, except the officers of a corporation, who is in a position to state fairly and with any degree of accuracy what is the true and reasonable sum for the exhaustion on the property of that corporation? We again maintain that you must give the officers of the corporation the right to set their opinion in the shape of specific amounts on this tax return blank. If you deny this right, you cannot have a fair tax; and if you give them this right, what is there in your law which will prevent this "exhaustion" from being so inflated that your corporation will to a large extent escape the excess profits tax?

Let us now take up the fourth main calculation, that of invested capital. This presented the greatest problem of all in administering the old excess profits tax. The same objection holds which we pointed out under the calculation of deductions. In the great, wide, varied, tangled, and complicated business interests of a large corporation, is anyone, except those at the head of that corporation, in a position even to estimate what is the true invested capital of that corporation? We contend that you must give the officers of the corporation the last word, that their decision must be final, or the tax cannot be fair; and if you do, what will prevent the invested capital from being boosted so high that your 8 per cent exemption will to a large extent defeat the very purpose of your excess profits tax?

These various calculations are largely a matter of mere opinion, and must be held in check before the tax can be satisfactorily administered. The Affirmative have stated that the government reserved to itself the right to investigate these returns to make certain of their correctness. True! The government realized that it was dealing largely with a difficult matter of "opinion," and provided in two ways to meet this difficulty. First, in the attempt to check up on the various items in the calculation of deductions, in capital, in changes in capital, et cetera, it required a great number of additional complete and exhaustive schedules. The result was, Ladies and Gentlemen, that when the tax return finally reached the Internal Revenue Office to be audited it consisted not merely of the original eight pages, but it had grown to the proportions of a book. Second, in further attempts to check up on these calculations, the Internal Revenue Commissioner was given the authority to investigate the returns and pass on whether or not the figures included therein were reasonable. There we have—what, Ladies

and Gentlemen? We have a direct clash of opinion—the opinion of the officers of the corporation set squarely against the opinion of the Internal Revenue Commissioner: this clash, Friends, leading to endless claims, claims for reassessment, claims for rebate, and claims for refund.

In view of these facts which we have just considered, are we surprised that the Secretary of the Treasury C. A. Glass in the Treasury Report for 1919 should urge the repeal of the tax? Do we wonder that Secretary D. F. Houston in the Treasury Report for 1920 should likewise urge the repeal of the tax on the ground of impracticability, stating, "The application or calculation of the excess profits tax is so complex that it has proved impossible to keep up to date the administrative work of audit and assessment." Small wonder also, that Secretary A. W. Mellon in the Treasury Report for 1921 should again condemn the impracticability of the tax and declare that, "The administration of the act also was extremely difficult, and the department even yet has not been able to dispose of all the cases arising under the law for the year 1917, the first year of its operation." Think of it, Ladies and Gentlemen, four years after the tax went into operation they had not been able to audit the returns for the first year.

The United States Chamber of Commerce created a special committee to study our various taxes, and in its published report of April 8, 1921 it strongly urges the repeal of the excess profits tax on the ground of administrative difficulty, declaring, "Introducing ever shifting questions because it involves 'invested capital' as a factor, it encounters an objection which is paramount above all others, in that the Treasury Department has declared it is unable to organize the machinery necessary to administer the tax if it is continued." In a nation wide referendum vote (published with the committee's report) of Chambers of Commerce all over the United States, seventeen hundred and eighteen voted for the repeal of the tax and only forty-four for its continuance If the impracticability of this tax is not real, if it does not present the difficulties which we have pointed out to you, why is it that in your own state of Indiana your Chambers of Commerce voted sixty-three in favor of repeal and only two against? Why is it that in this very city of Bloomington your Chamber of Commerce cast its two votes unanimously in favor of repeal?

Such, Ladies and Gentlemen, is the excess profits tax: de-

nounced by the men in whose hands lay the administration of the tax, and denounced by the most intelligent business interests of the country who had first hand, direct observation of the practical application of the tax. And why—why was it so criticized, why was it so denounced, why was the demand for its repeal so almost universal? Because the old excess profits tax, as well as your excess profits tax, as well as any excess profits tax, presents certain outstanding difficulties, certain necessary administrative obstacles, growing out of the very nature of the tax, which must be solved, which must be eliminated, before any excess profits tax can be put into successful operation. These inherent difficulties existed in the old tax; during the five years of its operation the finest financial minds of this country worked on that tax; at the end of those five years those difficulties continued to exist; and it was these very difficulties which to a large extent led to the repeal of the tax. And tonight, Gentlemen of the Affirmative, after your weeks of careful preparation you have failed to present a solution to these difficulties; you have failed to remove the rocks upon which the old tax was battered to pieces. And until you do, until you prove to us that your tax is a more practicable tax than the one of 1918, until you point out to us that you have successfully avoided, solved, eliminated, or overcome the obstacles which arise from the inherent nature of an excess profits tax—we consider it neither wise nor expedient again to hang a millstone in the shape of an excess profits tax around the neck of the Internal Revenue Department of the United States.

FIRST NEGATIVE REBUTTAL

H. L. Snyder Jr., West Virginia

I thought it was made sufficiently clear in my constructive argument that an excess profits tax is not needed to pay off our indebtedness contracted during the great war. But the gentlemen of the Affirmative have chosen to try to justify the excess profits tax upon this ground, urging that we let the corporations pay this debt, giving the impression that nothing at all was being done toward the payment of it.

Let me repeat that each year, since the contraction of that debt, the Budget Committee, in making up the estimates, has included items to be paid into the sinking fund, and these payments have been met without the aid of the excess profits tax.

According to the report of the Budget Committee for 1924, published in December, during the past year $1,500,000,000 was spent by the government in payments on the long term indebtedness, giving aid to injured soldiers, and in providing for vocational training. And even at that, the receipts over-balanced the expenditures for that year by more than a third of a billion dollars. Can an excess profits tax be soundly urged upon that ground, when it is shown that the very necessity it is supposed to meet does not in fact exist?

Far from falling short of the needs, let me say again that the present sources are surpassing estimates in the matter of producing revenue. Recall, if you will, how the tariff law, and the income tax, and others, are producing revenue far in excess of the calculations. So far, the gentlemen of the Affirmative have produced but slight evidence that the government has need of further revenue.

As to the matter of the British debt settlement, the gentlemen of the Affirmative have taken direct issue with us. They say that the debt amounts to $4,000,000,000, and that the payment each year to our government during the sixty-two year period is a trivial sum. But we challenge them to deny the statement that the British government will, in the end, have paid to our government more than $11,000,000,000. The Affirmative have left the matter of interest, which is not inconsiderable, entirely out of the calculation. During the next sixty-two years the British government will pay this vast sum to our government. Nor is that all, for statesmen look upon the settlement of the British debt as merely the beginning of a readjustment of the entire finances of the world. We may expect then, that the rest of the debtor nations will follow the example set by Great Britain, and treat with us concerning the payment of their obligations. If this is so, $10,000,000,000 more will be added to what we shall receive from England, and we may receive then, a grand total of $20,000,000,000 from foreign governments. Yea, verily, a trivial sum!

In quoting figures showing the yield of the excess profits tax, the gentlemen of the Affirmative have fallen into error. They stated, correctly, that the excess profits tax yielded $2,500,000,000 in 1918, but they were in error in asserting that it yielded $1,500,000,000 in 1921. According to Secretary Mellon's

letter to the chairman of the Ways and Means Committee, already referred to, the yield of the excess profits tax during the years it was in operation was $2,500,000,000 in 1918; $1,320,000,000 in 1919; $750,000,000 in 1920; and $400,000,000 in 1921, although it had been expected to yield $450,000,000 in 1921. The excess profits tax then, far from producing a billion and a half in 1921, actually produced an amount that represented only 16 per cent of what it yielded in the first year of its operation. This decline, which was steady, consistent, and even rapid, throughout each year the tax was in operation, was a very cogent reason for the repeal of the tax, and is strong evidence that its administration was becoming less and less effective as time went on. If the decline had continued at the same rate for a few years more, it could not have been very long until the collection of the tax, and the auditing of the returns, would have represented a larger sum than the revenue actually derived from the tax! It seems that this was one reason why the tax was abandoned. Would the gentlemen of the Affirmative care to estimate what the tax would produce in 1924, remembering that in each year of its operation its yield was about cut in half?

So far, we submit to you, the gentlemen of the Affirmative have failed to attack successfully our position that the excess profits tax cannot be justified upon the grounds of necessity, for our government does not need revenue, since the present sources of revenue are sufficient to meet the needs. And in giving figures, supposed to represent the yield of the tax in actual operation, they have merely stated—or rather misstated—the figures, without interpreting them, or even showing them in their relation to one another. Until further evidence is brought forth, we cannot admit that our fundamental contentions have been broken down by weight of evidence or authority.

SECOND NEGATIVE REBUTTAL

Lacy I. Rice, West Virginia

Mr. Chairman, Ladies and Gentlemen: The Affirmative have attempted to prove to you that an excess profits tax on corporations such as they propose is equitable because, as they stated, it would extract taxes in just proportions from men who have enormous incomes. But, Ladies and Gentlemen, it is

the most obvious thing in the world that these individual men are not corporations and therefore an excess profits tax on corporations would not in the least affect their incomes, which are derived from sources outside corporate industries. Our government has provided by means of income tax that all incomes above a certain minimum shall be taxed in a fair proportion, and it is not the purpose of a corporation tax to reach beyond the limits of the corporation and tax incomes derived from other sources. So the Affirmative fails to prove its first point.

The Affirmative would also have you believe that we should enact the excess profits tax because a number of European countries have such a tax. But they failed to tell you why these European countries resorted to an excess profits tax. Ladies and Gentlemen, these governments enacted the tax as a war time measure just as we did during the recent World War; and we cannot justify any tax on the basis of its working during a war period. Our government during the same period experimented with the tax and found it to be very undesirable as a means of raising revenue. The Affirmative, to justify their contention on this analogy must certainly show that all the essential conditions in those countries that have an excess profits tax, and where it operates successfully, are similar to the conditions found in the United States before they can warrant that it will work with us. They have not attempted in the least to do this. Thus they have disregarded the necessary and fundamental grounds of proof that the tax will work successfully in the United States during a time of peace. In this connection I am reminded of the words of Secretary Glass recorded on page 6 of House Report number 350 of the Sixty-seventh Congress. He said, "The operation of an excess profits tax in times of peace is very objectionable because it encourages wasteful expenditures, puts a premium on over-capitalization and a penalty on brains" and adds, "it discourages new ventures and confirms old ones in their monopolies." The last speaker on the Negative pointed out to you how such a tax as the Affirmative propose encourages wasteful expenditures, it puts a premium on over-capitalization and a penalty on brains because by the operation of the law 8 per cent of the invested capital is exempt; hence the larger the invested capital, the more exemption a corporation has.

THIRD NEGATIVE REBUTTAL

Hugo Blumenberg, West Virginia

Mr. Chairman, Ladies and Gentlemen: Let me briefly outline for you the course of this debate. The Affirmative have proposed the excess profits tax on the ground of necessity, and contend that the United States government is in urgent need of more revenue in order properly to carry on its activities. But we have pointed out to you in the first place, on the strength of the declarations of the President, the Secretary of the Treasury, the Director of the Budget, the Budget Committee, and from the figures published in the United States Budget for 1924, that the United States government at the present time is not in need of more revenue; and furthermore, that during the last three years there has been an actual excess of receipts over expenditures in our national finances. The Affirmative have contended that the excess profits tax is fair, and would serve to distribute the burden of taxation more equitably. But we have pointed out to you that, however desirable it may be in theory, in practice the excess profits tax is an unjust, unfair, and inequitable method of taxation; since it discriminates severely against enterprising, progressive industries, at the same time shielding old conservative monopolistic industries. The Affirmative has contended that the excess profits tax is workable, since it was in actual operation in this country for five years. But we have pointed out to you that the old excess profits tax, as well as the proposed excess profits tax, or any other excess profits tax presents certain outstanding difficulties, certain necessary administrative obstacles, arising from the necessary calculations involved which must be overcome before any excess profits tax can be put into successful operation. We have shown you furthermore that these difficulties existed in the old tax, that the greatest financial brains of the country failed to solve those difficulties, that the Affirmative tonight has failed to solve those difficulties, and that it was these very difficulties which, to a large extent, led to the repeal of the tax.

This, then, is the position of the Negative: we oppose the excess profits tax on the three grounds of no necessity for further revenue, unfairness, and impracticability. And we believe that we have successfully established our propositions beyond a reasonable doubt.

But now, just for the sake of the argument, let us assume for the moment that we have completely failed. Let us assume that our government is in the most dire need for revenue that it has ever experienced in its history. Let us assume that the excess profits tax is the fairest, the most equitable tax that has ever been introduced into the halls of Congress; let us assume furthermore, that no other tax ever proposed has been so certain in application or so easy of administration as the excess profits tax. Let us, then, for the sake of the argument admit all and more than the Affirmative has contended tonight.

Now, from the beginning to the end of this debate, from one side to the other, through their entire argument the Affirmative has maintained that the corporations have never borne their just share of the burden of taxation. They have said that the individuals, the poor farmers, the masses of the people have always paid by far the greater part of the taxation. They have mentioned corporation profits of 20, 50, 100, and even 500 per cent. They have alluded to unfair monopolies, stupendous incomes, enormous gains, and colossal surplusses. They have denounced such conditions as inexcusable, they have lamented the resulting unfair distribution of the tax burden, and have demanded that corporations be forced to bear their rightful share. All right! If these corporations should pay, why in the name of common sense attempt to tax them by means of a tax which is so obviously easy of evasion and which offers such almost unlimited opportunities to escape it? But further than that, in view of the statements of the Affirmative, in the face of all their denunciation of the profits of these huge profiteering corporations, we want the last speaker of the Affirmative, before he leaves this platform, to justify to you, Ladies and Gentlemen, to make clear to you, to satisfy you as to the reasonabless of this one feature of their proposed tax. Why do you advocate a tax which guarantees to these profiteering corporations a generous profit of 8 per cent above all regular deductions before you can even begin to impose your tax, when the poor farmers—the very individuals whom you wish to protect—have, under the present income tax absolutely no guaranteed profit above the regular deductions?

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CHAPTER VII

LEAGUE OF NATIONS

COLGATE UNIVERSITY

RESOLVED: *That the United States should join the League of Nations.*

These were the speeches of Affirmative and Negative teams representing Colgate University in a dual debate with Rutgers College. Both debates were held February 16, 1923. The Colgate team for the Affirmative met representatives of Rutgers College at Rome, New York, and the team for the Negative met an Affirmative team for Rutgers at New Brunswick. The decisions in both cases were unanimous in favor of Colgate. The manuscript copies of the speeches were secured thru the courtesy of Mr. C. Alfred Kallgren, Faculty Director of Debates, Colgate University.

BRIEF

LEAGUE OF NATIONS

AFFIRMATIVE

I. The United States should join the League of Nations because it is the most effective means yet devised for securing world peace.

A. It is a world league.

1. It is composed of more than fifty nations, including European, Oriental, Latin American nations and Canada.
2. It includes 75 per cent of the inhabitants of our globe.
3. Only 7 per cent of the world's population is outside the league from choice.
   a. The remaining percentage is either applying for membership or has been barred because of refusal to comply with provisions of the covenant.

B. It is founded on sound principles of organization.

1. The council, consisting of eleven members, with a place reserved for the United States, is analogous to a board of directors.
2. The Assembly, consisting of not more than three representatives from each nation member, is analogous to a meeting of stockholders.
3. The Court of Justice consists of fifteen judges of different nationalities, and corresponds closely to our Supreme Court.

C. It prevents war.

1. It compels arbitration of any serious arbitrable dispute between members.
2. Any dispute not submitted to arbitration is submitted to the council for investigation and report.

3. The delay means the abandonment of armed contest.
   a. The members agree not to go to war until three months after the decision of the arbitrators or the report of the council.
   b. The council has six months to investigate and report, and the arbitrators would probably take as long, making a delay of practically nine months.
   c. Effective publicity and "cooling off" would take place.
4. No nation could ignore it.
   a. It would be put under an economic boycott, under which it could not long exist.
   b. Statements of high officials support the belief that the World War would have been prevented if the League of Nations had been in existence in 1914.

D. Another war would probably mean the suicide of civilization.
   1. The horrors of war might be beyond anything yet experienced.
      a. New inventions, together with the development of the submarine, aircraft, disease germs and deadly gases might paralyze shipping, destroy cities, waterways, storehouses, poison water supplies, and otherwise produce starvation and death.

II. The United States should join the League of Nations to increase its effectiveness.

A. The league works.
   1. It succeeded in repatriating war prisoners after the International and American Red Cross and the International Y. M. C. A. had tried and failed.
   2. It set Austria on her feet after the allied nations had turned down her pleas.
   3. It established an International Court of Justice after the world had tried for over two decades to bring one into being.
   4. It has succeeded in preventing impending wars.

B. Its power for good would be greatly increased if America were to join at once.
   1. America has almost unlimited power which she could exert for peace and justice.
      a. She is the richest nation in the world today.
      b. She is the ideal of many nations and the recognized leader of the world.

C. America could use her influence to better advantage in the League of Nations.
   1. She would be on the inside and could use her influence at first hand.
   2. She would increase her influence and prestige by joining the league.
      a. She would thus lend ready sympathy to sister nations instead of showing an attitude of cold self-righteousness.
      b. She would restore her prestige with Latin American states which are in the league, and whose citizens are prominently represented there.

III. The United States should join the League of Nations because it is a great privilege.

A. It opens to us the opportunity to step into a position of world leadership.
   1. America is noted as the altruist among nations.
      a. In the late war she fought not only against tyranny and oppression but to end war.
      b. She has always been the friend of humanity.
   2. The way to leadership is thru the league.
      a. It was created by us.
      b. It is the only enduring monument of the war.
      c. The peoples of Europe have set their minds and hearts upon it.
   3. We should join now.
      a. We can correct its faults.
      b. We shall be forced to join in the end for it is bound to grow.
      c. Our present attitude may lose us our place of moral leadership.

B. It is an ideal that will live.
   1. It is the embodiment of the great ideal of the 20th century.
      a. Those who sacrificed in the war were pledged war should be done away with.
   2. It is believed in by the peoples.
   3. There is no other road of cooperation now open.
      a. The alternative is a policy of comparative isolation, greed, and of non-help to Europe.

NEGATIVE

I. The United States should not join the League of Nations because it is a failure.
   A. The basis of its organization is not sound.
      1. The document creating it was produced in a comparatively short time in the midst of the intricate problems of the Peace Conference.
   B. It cannot succeed because the fundamental attitudes of the nations composing it are insincere.
      1. The nations have continually fomented ill-feeling.
         a. Italy took Fiume, and Great Britain acquired and exploited Mesopotamia.
      2. Their desire for peace is not sincere.
         a. France has increased her army 25 per cent in the past year.
         b. Britain has built up her air force.
         c. Premier Mussolini of Italy has asserted his non-belief in perpetual peace and a league.
         d. The conflict between Greece and Turkey was egged on by England and France.
         e. Jealousies, deep-seated hatreds, secret alliances, and international agreements still exist.
   C. The league has failed in practice.
      1. It has been unable to meet, or has side-stepped every major problem.
         a. The reparations problem and the establishing of peace in the Near East.
   D. It cannot succeed until European nations change.
      1. Until they remove selfish greed, place international accord above national interests, and accept aims for peace.

II. There is no compelling reason why the United States should join the league.

A. America does not need to join to cooperate for the good of the world.

1. She has long demonstrated her policy of cooperation with other nations.

a. She has cooperated with England for more than a century.

b. She has advanced and maintained her ideals in the open door policy in China.

c. She performed a service of incalculable value at the Algeciras Conference.

d. She employed the finest principles of mandatory supervision in her guardianship of Cuba and the Philippines.

e. Her protective policy in South America won her world reputation for fairness and honesty.

B. America can better cooperate by staying out of the league.

1. We could not cooperate with it, for

a. We could not assist in the enforcement of the Versailles Treaty as it now stands.

b. We could not pledge ourselves to take no action in the disgraceful mandate administration.

c. We could not ally ourselves with those who break the most solemn agreements concerning secret treaties.

d. We should have to wink at what went on around us or continually disagree.

2. Any real accomplishment within the league would be almost out of the question.

a. It is not logical to suppose that the varying countries, with traditions and ambitions different from ours, could pass the reforms we advocate without a dissenting vote, or that we could secure a revision of the Versailles Treaty as a member.

C. America does not need to join to aid the needy and engage in philanthropic work.

1. America has always used her fullest powers to assist the unfortunate peoples of foreign countries.
   a. The American Relief Committee spent more than $2,500,000 to feed Russian refugees in Constantinople.
   b. The Rockefeller Foundation has donated hundreds of thousands of dollars each year for the promotion of health work thruout the world.
   c. The work of the American Red Cross is known thruout the globe.
   d. More than ten million people have donated to the Near East relief fund to assist refugees in Asia Minor.

D. America does not need to join the League of Nations to help solve world problems.

1. She could promote conferences for the solution of vital matters.
   a. Conferences do not entail permanent balance of power, but change character with changing times and circumstances.
   b. They have a clear cut purpose, each dealing with a specific situation.
2. The influence of the United States at such conferences would be of more value to the world than her influence exercised thru the league.
   a. The Genoa Conference was called because Lloyd George realized the league could not effect the economic rehabilitation of Europe.
   b. The conference at Lausanne was held to remedy what the league could not do.
   c. The Washington Conference was held because the league was not functioning in its disarmament powers.
3. This policy would be practicable.
   a. This was illustrated by the work of the United States at the Algeciras and Pan American conferences.

b. It allows us the greatest freedom of action and the utmost future independence.
c. It affords us a world-wide opportunity to continue our activities in the interest of humanity.

III. American self-interest demands that we stay outside.

A. America has always been an individual among nations.
1. From the inception of her government she has acted upon her ideals, and on policies founded on them.
a. She has advocated liberty and justice for the citizens of the country, the Monroe Doctrine, the Open Door Doctrine, and finally, the application of the laws of personal life to the life of the nations, by refusing to share in the spoils of the great war.
2. Her policy has been against interfering with other nations.
a. In not tying herself to other nations she has remained a friend to all and has led the world in humanitarian activities, fairness of treatment of the weaker nations, and in promoting international good-will.

B. To join the league will neither further our own interests nor those of Europe.
1. It will not further our own interest, for
a. America is asked to become again a part of Europe.
b. She is asked to bind herself to do certain things without being able to foresee what is coming and what may intervene.
2. Europe needs nothing America can give.
a. She has borrowed too much money already.
b. She has too many men under arms.
c. She does not need our advice for she knows the American opinion on every problem facing her.
3. America can hope to acomplish nothing by getting in.
a. After three years supposedly functioning, conditions are darker than ever before.

b. In the opinion of H. G. Wells, there is no hope unless radical changes over which America has no control are made.

d. The league is impotent in the face of the problems which face it.

e. America's interest in Europe at the present present time is transitory, not permanent.

LEAGUE OF NATIONS

COLGATE UNIVERSITY

AFFIRMATIVE SPEECHES IN DEBATE AGAINST RUTGERS COLLEGE

FIRST AFFIRMATIVE

R. P. Rosengren, Colgate

MR. CHAIRMAN, LADIES AND GENTLEMEN: We are met here this evening to discuss the question of the hour; pertinent, alive, and containing a personal and vital interest for all: Resolved: That the United States join the League of Nations at once.

We have heard a great deal in the past few months about the League of Nations and of America's connection with that league. The question has been so closely linked with the politics of the country, and has been given so much space in the press, that we all have views, not to say prejudices, in the matter. It is for this reason, then, that we of the Affirmative would have you lay aside these views and prejudices for the evening and consider the question solely on its merits. Born at the close of the great war, this league is by no means the hasty patching together of a makeshift compact, but rather the culmination of the thought, study, and careful reasoning of the greatest minds of the ages. The World War merely made it possible.

Let us first see in a general way what this league is. It is an organization composed of more than fifty of the leading nations of the world, including European, Oriental, Latin American nations, and Canada. Thus we see at a glance that this is not, as many would have us believe, a European league, but a world league. Included in its membership we find more than 75 per cent of the inhabitants of our globe, among which we count the nations, late enemies, Austria, Hungary, and Bulgaria. Two very significant facts in favor of the league. Of the percentage of the world's population outside the league from choice we find but 7 per cent. The remaining percentage is either applying for membership, or to date has been barred admission because of refusal to comply with the provisions of the convenant.

Although the second speaker of the Affirmative will go further into detail concerning the machinery of the league, it might be well at this time to roughly outline the main divisions with the respective duties and functions pertaining to each. Its direction consists of two bodies; first, the council, second, the assembly. Of these, the smaller, more active, and hence more important, will be the council. This consists at present of eleven members, with a twelfth seat reserved for the United States. Four of these powers are permanently represented on the council: Great Britain, France, Italy, and Japan; while the identity of the smaller nations is to be changed from time to time. The larger branch, the assembly, consists of not more than three representatives from each nation having membership in the league. In theory, both bodies perform the same functions; in practice, the council does most of the work. If you think of the council as a board of directors, and the assembly as a meeting of the stock-holders, you will have a helpful comparison. The assembly gives the smaller nations a chance to express their views and exert an influence; and an important specific function of the assembly is the admission of new members to the league. Then there is the Court of International Justice, corresponding very nearly to our own Supreme Court. This consists of fifteen judges, no two of the same nationality, and one from the United States at present. The court will have jurisdiction over international questions which by their nature would come before a court of law. This court will also, in time, secure the codification of international law.

The league has many functions, humanitarian, economic, etc.; but the fundamental purpose of its existence is to prevent war. In this feature it is the most effective means yet devised for securing world peace. It compels arbitration and investigation, with consequent delay and publicity before resort to arms. First, if any serious dispute arises between members of the league, arbitrable, the members agree to submit the matter to arbitration. Second, the members agree to submit for investigation to the council, and report any dispute which is not submitted to arbitration. Third, the members agree not to go to war until three months after the decision of the arbitrators or after the report of the council. As the council has six months in which to investigate and report and the arbitrators would probably take as long, war would be delayed nine months, during which

very effective publicity and a "cooling off" process would take place. The majority of wars have been plunged into in mad, blind haste, without knowing the reason, or without considering the relative weight of that reason. Thus the delay will not only effect a cooling off, but an actual abandonment of armed contest.

Of course you may ask and rightly ask, "What is to prevent any nation from ignoring this system and going to war? In that case the offending nation would immediately be put under an economic boycott by the rest of the league. It is easy to see that no nation can long exist under such conditions. The world is an economic unit and no nation is sufficient unto itself.

We have been impressed with what war will do by the war of 1914. We need no one to tell us again how the dogs of war tore to pieces the manhood of the earth. We do not have to rehearse the airplane and Zeppelin bombings, with their toll of innocent lives. Submarines, long range guns, gas, wells poisoned, women outraged and men crucified: shall we forget all this in our moment of security and power?

With this in mind, let us turn to the view of the statesman of 1914, Sir Edward Grey. He declares that there would have been no World War in 1914 if the machinery provided in the League of Nations had been in existence; that the nations would have gone into conference instead of war. Sir Edward Grey knows. More than any man he strove to prevent the catastrophe. More than any man he had his finger on the pulse of the world in those humid, desperate days of late July and early August. Such a statement from him is startling, significant.

On top of this we have the statement of a high German official, that if Germany had known at the time that both England and the United States would join the forces opposed to her, she would never have attempted the undertaking. In other words, if the league had been in existence then, just the psychology of the thing would have kept Germany out, and the rest of the league could have settled the Austro-Serbian dispute as provided in the covenant.

It is too late, however, to change the fact. That war is past, and with it the opportunity to prevent it. We can but profit by the mistake, and strive on in a way so that there shall be no next war. If we do not, and that war comes, woe be to the

world; for another chaotic war, like that from which we have just emerged, would probably mean the suicide of civilization. Inventiveness has by no means reached its limit with regard to destruction, and the horrors of war might well be beyond anything the world has yet experienced. The submarine of the future, used by a nation with a long coast line and ample resources, will be able to paralyze shipping and produce starvation on a scale not yet realized. The aircraft of the future, with their new explosives, will be able to destroy every city, every waterway, every storehouse of grain. The poisoning of water supplies, the release of virulent disease germs and of deadly gases, might be done on such a scale as quickly to exterminate whole nations. War must end, or it will end human life on the earth. We have the means in the League of Nations, and the time to do it is immediately.

We do not mean that the league is a panacea or a cure-all for all our national ills, but it is the best step in the right direction. Because it is founded upon principles comparable to the Declaration of Independence and the Constitution of the United States, workable and working toward the end it was intended to accomplish, we of the Affirmative believe in the League of Nations; and take our stand that the United States, in the interests of the world and herself, should join at once.

SECOND AFFIMATIVE

H. B. Stein, Colgate

My colleague has shown you that the League of Nations is the best means to prevent war. I shall carry the argument further by showing that the League of Nations is a success, and it is therefore a most solemn obligation for the United States to join the league at once and increase greatly its effectiveness.

First, the League of Nations works. The first real test of its efficiency was the problem of repatriating war prisoners, of whom it was estimated at least three hundred thousand were in imminent danger of starvation at the close of the war. The International and American Red Cross and the International Young Men's Christian Association, all tried to meet the need, and failed. It was evident that this was one of those complex international problems that cannot be solved by two or three nations in conference, but must be taken in hand by many

nations, working thru the medium of an efficient central organization. This the League of Nations supplied. Thru the agency of Dr. Nansen of Norway, already over four hundred and twenty-seven thousand prisoners of war of twenty-six different nationalities have been repatriated at a total expense of but £400,000. Thus on its very first trial, the League of Nations succeeded where others had failed, proving that its action is prompt, efficient, and effective, and that the nations do cooperate successfully in a crisis.

Thinking men and women recently read with relief that Austria, whose chaotic condition had been a menace to peace ever since the close of the war, had been set on her feet by the league. Here, again, the league succeeded where all other plans had failed. The allied nations had turned down Austria's pleas for help. It was useless to give huge loans to Austria until her shattered financial and economic system had been reestablished on a sound basis of security and credit. This the league has successfully accomplished, and by vast economy of administration, stabilization of currency, the establishment of a commercial outlet, and finally by giving ample loans, the League of Nations has saved Austria from junkers and bolshevists as well as from stagnation, starvation, and famine. Note, please, that this was done at Austria's own request, with her staunch cooperation, and without the slightest impairment of her sovereignty.

For more than two decades the world tried in vain to bring into being a permanent court of international justice. The envy and jealousy of nations made its establishment impossible until the League of Nations brought to bear upon the problem its simple and practical organization, in which petty, individual quarrels are forgotten in common action for the common good. Over forty nations participated in the first election of judges for this court, which has already functioned successfully in a number of important and delicate adjudications.

Thus in three mammoth undertakings the league has succeeded where every other means had failed, removing basic and underlying causes of war, and laying on bed rock the stable foundations for future peace.

Nor has the record of the league been less auspicious in regard to the prevention of impending wars. No less than twenty complicated and vehement international quarrels have

been satisfactorily settled by the league, many of them more serious than that which occasioned the outbreak of the World War in 1914. In addition to this, four wars have been directly prevented by the league's offices, any one of which would have involved millions of people in conflict. In one case, hostilities had already been begun, when the mandates of the league were at once obeyed, and war stopped. One war was prevented between two states, neither of which was at that time even a member of the league. The fact is—and few indeed realize it—that every war, properly under the jurisdiction of the League of Nations, which has arisen since the league came into being, has been promptly averted or stopped. Yes, Ladies and Gentlemen, the League of Nations certainly works.

It must be remembered, too, that the League of Nations came into being at a time when the immediate success of any such project was deemed impossible by thinking observers. The accumulated ethnical and religious hatreds of the racial groups, lashed to passion by a World War and aggravated by social and political upheaval, famine, desolation, and disease, threatened the very existence of the league. Newspapers jeered at the league; historians predicted its dissolution. Yet despite seemingly insuperable obstacles, the League of Nations has laid the foundations for future peace, has prevented all wars that have come under its jurisdiction, and is today a vital, living force among the nations.

Yet the jurisdiction of the league would be greatly extended and its power for good would be greatly increased if America were to join at once. In the first place, America is the richest nation in the world today. She has a corner on the world's gold, and all the other nations are in her debt. This gives her almost unlimited power which she could exert for peace and justice in the councils of the League of Nations.

Then, too, America is the ideal of many nations and the recognized leader of the world. When the new-formed Polish and Czechoslovak states faced the task of building from chaos a new political and economic structure, they sent representatives to the United States. They studied our Declaration of Independence and our Constitution, and they modeled their new political and financial systems after ours. No other nation in the world has so often been asked to settle international disputes as has America. If this nation were to join the league at once, many

nations would eagerly follow her lead in the establishment of peace and justice; for the world knows our aims are just.

In conclusion, let me say that there are two outstanding reasons, among many others, why America could use her great influence to better advantage for peace and justice in the League of Nations. First, America would be on the inside. She would sit at the council tables where the fates of nations are decided. Outside the league, America is an onlooker; within the league, she would use her great influence for good at first hand.

In the second place, America would increase her influence and prestige by joining the League of Nations. She would lay aside her attitude of cold self-righteousness, and lend her ready sympathy to sister nations in distress. We are slow to realize the fact that America is fast losing her prestige with Latin-American states by her offish attitude toward the league. Central and South America are in the league, heart and soul. The President of the league, two members of the council, and four of the international court, are Latin American citizens. If the United States is to retain the allegiance and trust of these progressive states, she must join the League of Nations at once, give her ready sympathy to the struggling, war-torn nations, use her great influence for peace and justice in the council-chambers of the nations, and spread the principles of Americanism over all the world.

THIRD AFFIRMATIVE

H. S. Pinkham, Colgate

Ladies and Gentlemen: It will be my part in the debate this evening to show you that it is not only the duty of the United States to join the League of Nations, but that a great privilege has been extended to her.

We have a right to look with pride upon our part in the late war. We did more than uphold our end in the titanic struggle against tyranny and oppression: we gave our share of the flower of American manhood that wars should be no more; and now, Ladies and Gentlemen, are we going to stop here? Because we think that we may be called upon to make another comparatively insignificant sacrifice, are we going to see the bloodshed of the great war go for naught? The United States has always done more than the letter of the law

demanded; she has always been willing to extend the helping hand to the people in distress. The Cubans, the Chinese, the Armenians, and many other peoples, can testify to an America who without thought of gain or loss is the friend of humanity; an America who does her duty without flinching. In brief, every American here this evening knows his country to be internationally famous as the altruist of the nations; the nation which stands for uplift and progress, the nation which can give and not expect financial returns. Are we going to change our attitude, now, in 1923? Now, when all the peoples of Europe and Asia are gazing at us with longing eyes, are we going to change from the good Samaritan to the Pharisee and pass by bleeding humanity on the other side because we cannot see where it will mean more money for us, and because it may be some trouble to bind up the wounds of Europe? We did not throw ourselves before the war-dogs of autocracy for gain; but it was rather in the name of humanity and everlasting peace that we sent our troops into Chateau Thierry and the Argonne. But not content with the good she had already done, America took her new born power and created the only promise of peace which we have today—this thing over which we are debating tonight—the League of Nations, in order that her work might be lasting. The League of Nations is the child of America, and through her off-spring the United States can be the moral leader of the world if she only will. The League of Nations is the only monument of the great war which does not shriek of death and desolation. What else have we left? Did any nation gain financially? If so it was a shame. Did any nation get territory? If so it was because that territory needed a governing hand. Did any nation gain political power? None but the United States; and we pray that she may use that in the interest of humanity. The only constructive thing which the great war left is the desire in the hearts of those who participated that their children and their children's children shall dwell in peace. If their great hope is not realized the war will have been fought in vain. How are we to make them realize their desire, Ladies and Gentlemen, there is just one medium and that is the League of Nations. The gentlemen of the Negative may speak of one method of cooperation or another but the peoples of Europe have set their hearts and minds on the League of Nations. The gentlemen may pick out technical flaws in the covenant. Of course there

are such—it is but an infant—but it is an infant that is bound to grow into a more or less perfect maturity, and in the end the United States will be forced to join. The opportunity is now open to us to step into a position of world leadership. If we see imperfections in this organization we can correct them; but we must act today, for if we continue in our present attitude, tomorrow we may find ourselves no longer the moral leaders of the world.

In the year 1918, when the world was in the bloody grasp of war, then the peoples of the earth realized what a tremendous curse upon humanity it is for one nation to fight another. When we sent our soldiers into the trenches, then it was that we pledged them that if it was in our power, war should be no more; you promised them that if they would make this final sacrifice, their children should live in peace. Have we forgotten our lesson so quickly? It may be true that in the year 1923 the United States may not be able to gather more gold into her coffers because she joins the League of Nations; she may even be called upon to make sacrifices in order to insure world peace; but can we look at this question in a selfish way? It is a vital and world-wide problem. Shall we look at it from a point of view of dollars and cents, or shall we look at it from a viewpoint of human souls?

Ladies and Gentlemen, the fate of the world trembles in the balance. The gentlemen of the Negative may talk of other methods of cooperation, but there is only one road open today. The peoples of Europe have placed their faith in the League of Nations. During its early infancy the peasants of France and Italy were burning candles before photographs of President Wilson. Why? Because they thought he was bringing into actual existence their dream of universal peace. The League of Nations as it is today is not a perfect cure-all for all the ills of the world; but it is the embodiment of the great ideal of the 20th century; it is the only constructive thing born of the fire of war; it is believed in by the peoples of the earth; and, Ladies and Gentlemen, history shows that such ideals do not die.

On the one hand we have the Negative. They must perforce advocate a policy of comparative isolation, for there is no other road of cooperation now open. Their policy must be one of greed, for that is their only possible reason for refusing America's helping hand. Finally, theirs is a policy of letting

Europe face alone her problem, and struggle onward toward her great ideal unaided.

In opposition to this we have the case of the Affirmative. We stand tonight firmly on a policy which we believe is for the benefit of the most people. We believe that America should assume her responsibilities, accept her privileges and opportunities, and in the end reap her rewards. We have pointed out that the world is ready for an international organization; that history, economics, science, all point toward such an organization. And further we have pointed out that the present League of Nations is the only logical solution for this need, and that it is sound in theory and workable in practice; and finally that as the only constructive monument of the great war it is our privilege and duty to support the League of Nations. The League of Nations is the answer to a great world need. The League of Nations is the embodiment of the great ideal for which our soldiers fought and died; and ideals such as this are bound to live.

The League of Nations of 1953 is bound to be an outgrowth of the League of Nations of 1923. If there are flaws in the present convenant of the League of Nations—and it is only upon flaws that the gentlemen of the Negative have built their superficial case—these flaws are bound to pass with time and leave the League of Nations indestructibly secure as the great ideal for which the blood of the world was shed and as the great practical means by which world peace is maintained.

FIRST AFFIRMATIVE REBUTTAL

R. P. Rosengren, Colgate

The gentlemen have persisted this evening in trying to prove that the League of Nations is a European league, mixed up with bad European politics and the tangled situations that are the direct result of these politics. This is an entire absurdity. As I pointed out in my main speech, the league is a world league with rapidly increasing membership. It consists at the present time of European, Latin American, and Oriental nations and Canada. There is no need to refer further to this phase of the question. It is obvious.

Second, the gentlemen have come forward with a few trivial

instances in which the league has failed to accomplish its intended purpose. They point out the troubles that they believe the league should have settled, and say that because it has not settled them, therefore it is not worth while, and recommend casting it out entirely. We might cite a parallel case. The 13th, 15th and 18th Amendments of the Constitution of the United States of America are being violated every hour of every day. Shall we therefore cast aside our Constitution? There is not one present who cannot see at a glance the absurdity of such an idea. No more can those who are far sighted enough see the justice in casting out the league on such grounds.

The gentlemen further point out that there is such a clamor for reservations in the covenant of the league that we should not accept it as it is. Do you realize that there were one hundred and thirty one amendments proposed for our own Constitution before it was passed, and that it was finally passed without any of them? Such was the case, and so we should accept this, adding as the wisdom of years dictates that which we deem necessary.

Then, Ladies and Gentlemen, as the last resort, the gentlemen tell us that if we enter the league we will violate the Monroe Doctrine, and incur the wrath of all the Central American and South American nations who at present hold so much respect for our republic. Can any one fail to see that the League of Nations is but an amplification of the good inherent in and instigated by the Monroe Doctrine, and an extension of that good to all the world? Further, as far as incurring the wrath of the Latin American nations is concerned, we are more liable to do that by staying out than by going in. Latin America is heart and soul in the league. She has the president of the league, two judges on the World Court of Justice, and members innumerable on all the committees of the league. Thus we see that this argument has not a leg to stand upon.

Finally, Ladies and Gentlemen, let us take a look at the nations at present outside the League of Nations. Turkey, Russia and Germany. It is not hard to see that the case the gentlemen have supported tonight is one which would classify the United States with the aforementioned nations as over against England, France, Canada, Japan and the numerous others

of greatest worth in the world. It is up to us to choose, and choose now. There is no choice, there is but one course to pursue, to join the League of Nations, and work toward universal well being and peace.

SECOND AFFIRMATIVE REBUTTAL

H. B. Stein, Colgate

The gentlemen of the Negative have repeatedly informed you that the League of Nations is a failure, and this in the face of the fact that the league has already effected a satisfactory settlement of more than a score of disputes which might have led to war. Twenty times has the league succeeded, Ladies and Gentlemen; how many times has it failed? The second speaker for the Negative was able to point out but two instances in which, he alleged, the league has failed to function as it should.

The first of these is the Polish—Lithuanian boundary dispute. The gentleman of the Negative is correct when he says that this dispute has not yet been settled. It is nevertheless true that war between the two countries was averted by the league. At the invitation of the Assembly of the League of Nations, Polish and Lithuanian delegates met and signed a solemn compact, pledging their respective governments to remain at peace as long as they should endure. Now the gentleman claims that the league has failed to prevent armed conflict between the two neighbors, basing his argument, as I understand it, upon a totally unauthenticated newspaper report, which states that an exchange of shots occurred between Polish and Lithuanian irregulars. This is but a daily occurrence in war-torn Europe, and is far less significant than would be a few stray shots into Texas from the guns of a band of Mexican border bandits. Poland and Lithuania have no more joined battle than would Mexico and the United States under those circumstances be in a state of war.

This leaves but one instance since its inception in which the league has failed to prevent a war: the affair between Greece and Turkey. Yet even here it cannot be consistently maintained that the league failed to perform its proper function. For one thing, one of the contending states is not a member of the league, and this fact alone would render league action exceedingly

difficult. For another thing, the war between Greece and Turkey is in reality a continuation of the World War, and arose from causes which were operative before the league came into being. The cause of the Graeco-Turkish War was a quarrel concerning the disposition of certain islands in the Aegean Sea and certain territories in Asia Minor. Such a dispute is as a matter of fact altogether outside the jurisdiction of the League of Nations. The Treaty of Versailles expressly provides that the disposition of these territories be entrusted to the Allied Supreme Council alone. Hence the League of Nations, which did not even exist at the time the Supreme Council was given this power, had no legal right to interfere.

The gentlemen of the Negative have also indicted the League of Nations for failing to achieve world disarmament. And yet to expect the league to effect immediate disarmament thruout the world is to demand the impossible. While the fanatical, desperate Russian, the blood-lusting Turk, the vengeance-craving German, are without the league, disarmament on the part of league members would be perilous and foolhardy in the extreme. Will a sane man lay aside his weapon while the maniac brandishes his knife? Neither is it reasonable to ask the nations to disarm until the red menace, war's aftermath, subsides, and the sanity of the peoples reestablishes itself. Finally, the very fact that America, the most powerful nation in the world since the close of the war, is outside the league, prohibits league members from disarming. It must not be supposed, however, that the league has dropped the subject of disarmament. On the contrary, the permanent Committee on Disarmament has already completed plans for universal disarmament, to be put in effect as soon as the political situation permits.

Thus a close inspection and study of the record of the League of Nations to date reveals not one instance in which the league has failed to fulfill its function. Not a solitary war has arisen since the formation of the league which has not been averted or stopped, save the one which is now raging, and which is entirely outside the jurisdiction of the league. In its humanitarian work, in the salvation of Austria, and in the establishment of the World Court, the league has achieved three great works which all the world, including America, had failed utterly to accomplish, either by individual effort or by coopera-

tion thru conferences. Such a record cannot but convince the impartial observer that the League of Nations forms the best means for America to cooperate for world peace.

THIRD AFFIRMATIVE REBUTTAL

H. S. Pinkham, Colgate

The Negative have maintained that the nations of Europe are selfish and insincere. In fact it has been very noticeable that the gentlemen have used a large part of their time in what amounts to a tirade of denunciation against the nations of Europe. They would have you believe that every honest man in Europe is either dead or getting ready to sail to our virtuous shores. Europe, they imply, is an incubator of crookedness, deceit, and dishonest diplomacy in which schemes are being constantly hatched against the honest but easily duped America. Now of course it is true that there are at times signs of insincerity and self interest in European diplomacy, but the lurid picture which the gentlemen painted creates a very false impression. People all over the world are pretty much alike. There is human nature with its mixed motives of good and evil in Europe, and there is plenty of the same brand of human nature in the United States.

The method of attack the Negative has used must be evident to you. When it suited their purpose they condemned the selfishness and insincerity of Europe; then they argue as a main point that American self interest urges us to stay out of the league. Why is it any worse for Europe to consider self interest than for the United States? As a matter of fact if any nation has shown herself obsessed with provincial national spirit, yes, with a selfish spirit, we believe that nation to be the United States in her attitude toward the League of Nations. Certainly we have seemed to shirk our duties because of apparent, if not genuine self-interest. America was directly responsible for the League of Nations. It is our child. The peoples of Europe, weary and war-stricken, the peoples whom the gentlemen imply are thirsty for more war—accepted the League of Nations from the hands of America and placed therein their hopes and faith, believing that it is the instrument of international peace. America, we charge, gave this League of Nations to the world and then deserted it. Such weakness and inefficiency

as the league has shown we believe to be largely the result of America's unwillingness to accept her obvious duty. No, America has no right, as the Negative have done, to point a finger of scorn at Europe when we have refused to take a positive stand to assist in bringing about a better world order. It is America, who is to be held accountable for such failure as the league experienced, not the insincerity and selfishness of Europe!

One argument remains which might appear of importance. Self interest, the Negative asserts, prompts the United States to remain outside the league. This argument we do not accept as a valid one, for the interest of the world is a larger consideration than mere self interest, and the best good of the world is bound to involve the best good of the United States. But the Affirmative would go further and deny that it is to America's interest to remain outside the league. America is no longer an isolated nation. Modern methods of travel have shrunk the oceans until they are no longer separating barriers between the old world and the new. The world is swiftly becoming a single great unit and what benefits Europe will benefit the United States. The League of Nations, if it works—and America alone is now needed to guarantee its success—will prevent future wars and certainly that will benefit the United States. Woodrow Wilson has said that never again can America remain neutral in a great war. We must destroy war or war will destroy us. The league is the best means of destroying war and it is clearly to America's interest to join.

But even if America would stand to sacrifice a little, which we believe is not the case, can we look at this in a selfish way? America has been internationally famous as the altruist of the nations. Let us forget calculating self interest and do our part for humanity. It is not only America's obligation to join the League of Nations, but a great privilege of leadership and friendship is extended to her.

Thus we have the two cases contrasted. The Negative built upon two propositions: one, that every individual across the Atlantic is dishonest, and the other, that the United States will not gain by joining the league. Both of these contentions we have shown you are erroneous.

On the other hand is the Affirmative. We have shown you that the league is the most effective means of preventing war, that it is now a success, and that it not only is the duty of

the United States to join the league but that it is her great opportunity to aid humanity and take her rightful position as moral leader of the world. Ladies and Gentlemen, America cannot afford to continue her policy of isolation. Let us enter the League of Nations now and make it the great instrument for preserving universal peace.

Negative Speeches in Debate Against Rutgers College

FIRST NEGATIVE

R. E. Cole, Colgate

In opening the case for the Negative this evening, we would like it distinctly understood that we are not viewing this question from a dogmatic and narrow standpoint with only the selfish interests of the United States in view. We are just as heartily in favor of peace and international amity as are the gentlemen of the Affirmative. We are equally eager that the nations should solve their international problems without recourse to arms. We want America to fulfill her obligations to the world and we believe that she will. We do not wish to be misunderstood, for we are willing and anxious to cooperate for the best interests of mankind. In the past, America has never failed to do her share and even more when called upon by suffering nations. It is contrary to our wish to cast aside this noble ideal which has placed our nation so high in the esteem of the world. But, Ladies and Gentlemen, we must not be deceived by high sounding phrases and glittering hopes. Our meeting here tonight is not to discuss: Resolved: That some form of international cooperation is desirable, or Resolved: That America should join some association of nations. No, the gentlemen of the Affirmative are committed to a very specific proposition. The question is, that America should join the League of Nations *now*.

The Negative insists that before pledging ourselves to any such course, and I believe that everyone in the audience will agree, before joining the League of Nations we should be very sure of the steps we are taking. We should not grope blindly. We cannot disregard our American interests and chase the will o' the wisp of international good feeling. We must be sure,

lest we sell our birthright of American freedom for a mess of international pottage.

Ladies and Gentlemen, let us first consider the conditions of the birth of the League of Nations. The very circumstances under which the league came into being crippled its chances for success. The diplomats of Europe, working all day on the intricate problems of the peace conference, snatched a few hasty moments at night and in a comparatively short time produced a document which was supposed to govern the international policies of the world. Apparently the greatest dream of international peace! Does it not seem plausible that a document of such import should have the careful consideration and quiet thought of weeks and even years? And yet to such a hastily constructed document the gentlemen of the Affirmative would have the United States bind its future.

It so happens that the league was part and parcel of the Versailles Treaty and is connected with it at present. When the war ended and the victorious were scrambling for spoils and madly grabbing what they could, regardless of consequences, our representative asked for nothing more than a league to enforce peace. He was sincere. But, mind you, at the time we were pleading for peace, European diplomats were sowing the seeds of strife and turmoil. Were they sincere in signing this compact? Have their actions proven their sincerity? Italy grabbed Fiume—strife has been a result; Britain acquired Mesopotamia and immediately exploited its oil fields only to arouse the anger and resentment of the inhabitants; each nation did something to cause a spirit of ill-feeling. Why shouldn't they want a league, when in its very covenant we find an article which provides that boundaries as fixed by the Treaty of Versailles should be protected as against external aggression? But did they want peace? *Never?* Why has France increased her army 25 per cent in the last year—for peace? Why is Britain feverishly building up her air force—for peace? (Premier Mussolini of Italy recently said, "I don't believe in perpetual peace and no league can enforce it." Yet Italy is a signator of the league to bring about peace. Judge of her sincerity!) We have but to point to the recent conflict between Turkey and Greece to show our example of insincerity of France and Britain. England backed Greece and tomorrow is moving

troops into the Greek camp. On the other hand, France has supported Turkey with equal vigor. Thousands of lives have been lost and property destroyed and yet the league stands idly by and takes no action. Are these nations sincere when they stand aside and permit these conflicts to continue, even going so far as to promote them?

Ladies and Gentlemen, when the final page of the history of this epoch is written, when years have passed and time has disclosed the true feeling of the nations, then and only then will the world realize all the jealousies and deep-seated hatreds which exist at present between certain nations, the secret alliances and international agreements which have not been disclosed. Yet into such a caldron the Affirmative would ask America to plunge, waving the flag of peace. What could we do? What would our influence amount to when pitted against such tremendous odds?

The supporters of the league may feverishly proclaim: give it a chance; time will tell whether or not the league can prove its efficacy. But, Ladies and Gentlemen, consider the problems they have already faced and see how they have met them. We have waited patiently and up to the present time have failed to see anything of vast importance with which the league has been capable to cope. True, they may be capable of settling some minor disputes, which amount to little, but in every major problem it has proven itself a miserable failure. Were they able to settle the reparation problem, an issue which affected the economic prosperity of the whole world? After weeks of arduous labor upon this issue, the league gave it up in despair. Have they been able to establish peace in the Near East? In every instance when some great question has arisen we see that the league has not only been unable to meet the situation successfully but even too skillfully side-stepped the question.

Now in order that we may not be misunderstood we would say just one word more. We do not wish to lead you into the belief that another war will start tomorrow or next day, or that the Allies were at fault in taking certain possessions. This is outside the province of our debate; but the fact we wish to make clear is simply this: that until selfish greed is removed from the nations of Europe; until they place international accord above national interests; until they are willing to accept sincere aims for peace the League of Nations can mean nothing more than an empty gesture.

SECOND NEGATIVE

C. E. Frank, Colgate

LADIES AND GENTLEMEN: The first speaker of the Negative has shown you that the League of Nations has been a failure. Continuing the Negative constructive case, I will prove that there is no compelling reason why the United States should join the League of Nations. The league has clearly demonstrated that it either lacks the desire or the ability to accomplish big things. The United States wants to help solve the major problems of the world, but she believes that she can do more toward world settlement without being bound down by a league dominated by European countries. She realizes that free, untrammeled, American activity is the best remedy for world evils.

We believe that there is no compelling reason why the United States should join the League of Nations. America does not need to join in order to cooperate for the good of the world. This country has demonstrated her policy of cooperation, her desire to be the friendly guide and counsellor of all nations, ever since she realized that the days of isolation had passed, more than twenty years ago. We have cooperated successfully with England in all matters for more than a century. We have advanced and maintained our ideals in our open door policy in China. We performed a service of incalculable value to the world through our action at the Algeciras Conference. The finest principles of mandatory supervision have been actually employed in our guardianship of Cuba and the Philippines, while our protective policy in South America has won for us a reputation for fairness and honesty which has gone all round the world.

The United States desires to increase that cooperation, but does not need to join the league to do so. In fact, America can better cooperate, as her ideals prompt, by staying out of the league. Our disinterestedness of the past twenty years, has secured us our present high position of esteem, while our policy of keeping out of distinctly European affairs has brought us an irreproachable reputation, and consequent unimpeded moral influence. To join the League of Nations and admit our agreement with its principles and actions would destroy the ideals upon which the United States has been so firmly built. The League of Nations is a limited defensive alliance, to protect territory acquired regardless of method, and indifferent to the

desires of the populations held in subjection. It is controlled by a small group of nations which aim to perpetuate the fruits of their victory by the magnitude of their power and the supremacy of their military strength. We of the United States should bring all our power against nations breaking legal agreements; we should lend our aid to any nation which has been the victim of political aggressions; but to become the guarantor of possessions wrongly acquired or of the consummation of future transactions which we are not now aware of, violates our national beliefs and fundamental policies.

To join would mean that we assist in the enforcement of the Versailles Treaty as it now stands; that we pledge ourselves to take no action in the disgraceful mandate administration; that we knowingly ally ourselves with a pact which has just witnessed the breaking of the most sacred agreements concerning secret treaties, by its members. We should either have to wink at the things which we saw going on around us and thus lose our reputation for supreme honesty, wherein our value lies; or else we should have to keep disagreeing with fellow-members, breaking our pledges and even causing eventual league dissolution through troubles between nations concerned in the disputes. Why, then, should we join a league which commits the whole future of the United States to the decision of a body of nations hostile to our basic ideals?

Why should our individualistic power for good become interwoven in a council of eleven nations of heterogeneous aims and standards, in which decisive action is practically prohibited by the fact that a unanimous vote is required to bring results? It is not humanly right to imagine that a maze of varying countries whose traditional intentions and future ambitions are undeniably different from ours, could, without one dissenting vote, pass on the numerous reforms advocated by this nation. It is not logical to suppose that we could secure a revision of the impossible Versailles Treaty when bound to inaction by being a willing member of a council which contains members who favor that unfortunate agreement. Why, then, should we bind ourselves to an organization in which any real accomplishment would be almost out of the question? Why should we not remain free to cooperate for the best good of the world without limiting our right to act as our American conscience dictates?

America does not need to join the league in order to aid the

needy and engage in philanthropic work. America has always been the altruist of the nations. During periods of hardship in any foreign country, America has always used her fullest powers to assist the unfortunate people involved. The American Relief Committee has recently spent more than $2,500,000 to feed Russian refugees in Constantinople. The Rockefeller Foundation has been donating hundreds of thousands of dollars each year for the promotion of health work throughout the world. The glorious accomplishments of the American Red Cross are appreciated in every section of the globe. More than ten million people in this country have already given donations to the Near East relief fund to assist in the great work which is being performed for the persecuted refugees in Asia Minor; while American endeavor in Russia and neighboring countries has saved fifteen million of the stricken inhabitants from death by starvation and disease. America does not need to join the League of Nations to continue these worthy efforts for humanity.

Furthermore, America does not need to join the league in order to help solve world problems. Remaining free from the political ties of the League of Nations, this country would pursue a policy of hearty cooperation; taking a share in action which it believed just, and promoting conferences for the solution of vital matters which have proven obstacles in the path of the league. Conferences do not entail a permanent balance of power, but instead change character with changing times and circumstances. They also contain the added advantage of having a clear-cut purpose, in that each deals with a specific situation. The influence of the United States at such conferences would always be of far more value to the world as a whole than the suspicious compulsion of this nation, exercised through the meshes of an unsympathetic, delaying league, could ever be. Was not the Genoa Conference called by Lloyd George because he realized that the league, in that it excluded Germany and Russia from the fold, could never effect the economic rehabilitation of Europe? Was not the conference at Lausanne held because the Allied Powers realized that they had seriously erred and could not remedy the situation through the league? Was not the Washington Conference held with the idea in mind that the league was not functioning in its disarmament powers? And this conference accomplished more for disarmament than the league has been able to do. It also provided the occasion for

the successful reconsideration of the alienation of Shantung from China. But China, in the league, could never obtain league action to effect the desired change, because the member nations were pledged to their everlastingly shameful agreement by Article XXI.

The practicability of this policy has been amply illustrated by the work of the United States at the Algeciras and Pan American conferences. As former Attorney-General Wickersham and President Harding have said, it allows us the greatest freedom of action and the utmost future independence, while affording a world-wide opportunity to continue unhindered with many activities which should be completed for the interest of humanity. America, then, can do her best for the world if not a member of the league. Since America can cooperate better outside the league than by joining; and since America does not need to join to aid the world by her philanthropy; since America can better aid in solving world problems by not joining; and since, as my colleague will show, America's self-interest demands that she stay outside the league; there is no compelling reason why the United States should join the League of Nations.

THIRD NEGATIVE

G. C. Wood, Colgate

The Affirmative case closed with a plea for America to take advantage of the great opportunity that now presents itself in the shape of a chance to join the League of Nations and assume a high place in the affairs of the world. In fact, the gentleman went so far in his anxiety to show how the world would welcome America at the council table that he practically proved that if America becomes a member of the league she will dictate to the other nations. The mere mention of such a situation is abhorrent to every citizen. America does not want to assume the burden of directing the restoration of Europe even if she could do so.

For the United States to join the league and accomplish what the Affirmative hopes it might would mean but one thing—that the European countries would use America to serve their purposes. Even if these high hopes of the Affirmative could be realized, they must still face the fact that the League of Nations has failed up to the present time to fulfill its duties as the first

speech of the Negative carefully pointed out. They must still face the historical fact that the United States can accomplish more outside of international alliances than she can in them; a fact which the second speaker of the Negative considered thoroughly and unquestionably established. There is perhaps an even more vital consideration, a phase of the problem which affects the United States even more intimately than either of these—America's self-interest. Will America gain or lose by tying herself to European affairs?

America has always been an individual among nations. In the first place, she became different from the rest at her very inception through the establishment of her form of government. The character of the American nation began with that and has been growing ever since. From time to time higher ideals have been looked forward to and various policies founded on them. Liberty and justice for the citizens of the country was the first step. Soon, America began to advocate these public virtues for South and Central America, and expressed this policy in the Monroe Doctrine. By this the United States did not bind herself to take any specific action but rather set herself on the side of right and justice. Soon this policy enlarged into the Open Door Doctrine. Later years have seen America as the foremost advocate of the principle of applying the laws of personal life to the life of nations. America did more by refusing to adhere to the policy of "To the victor belong the spoils" after the great war than the League of Nations has accomplished in three years.

Thus, America's history has been a steady growth as a nation, and as a servant of the world. She has not tied herself to any other nations. She has been willing to refrain from interfering, and has constantly demanded that others accept the same standard. To what status has this policy brought us? America has led the world in humanitarian activities, in fairness of treatment of the weaker nations, in promoting international good-will. She is still ahead of the world, and the Affirmative concedes that. She has come to this place by keeping her hands untied; by remaining a friend to all and an ally of none. Thus the whole trend of her history is against interfering in the business of the other nations.

In the present situation America is asked to become a part of Europe again as she was asked a hundred and eight years

ago. She is asked to bind herself to do certain things, such as using her power to punish other nations on the order of nine men, without being able to foresee what is coming and what may intervene. America is asked to "play her part." What is America's part? What can America offer to Europe at the present moment? Europe has borrowed too much money already; she has too many men under arms right now; she does not need our advice, for there is not a problem facing Europe about which she does not know the American opinion. There is nothing that America can give that Europe needs.

For three years the League of Nations has been supposedly functioning. With what result? Conditions were never darker than they are at the present time. H. G. Wells sees no hope unless radical changes over which America has no control are made. Peace seems to be no nearer today than it was three years ago. In the face of the problems which face it the league is impotent. Then what can America hope to accomplish by getting in? Whatever interest America may have in Europe at the present abnormal time, it is mostly transitory, and not permanent. To join the league will neither further our own interests nor those of Europe.

The Negative case, based on present-day facts and their causes, shows: first, that the league has failed in practice; second, that it cannot succeed because of the fundamental attitudes of the nations composing it; third, that America can accomplish more by remaining outside; and, finally, that America's self-interest demands that she remain a friend of all nations, bound to none, not isolated, not dominated.

FIRST NEGATIVE REBUTTAL

R. E. Cole, Colgate

The Affirmative opened their case this evening by stating that the League of Nations is a promise of world peace. In that case it is a broken promise. For even in its brief existence it has failed to bring about world peace.

Let us at the outset of the refutation make one point clear. The Affirmative are not alone in the desire for peace. With all that has been said about the horror, the cruelty, yes, the absurdity of war we agree. We are not arguing the desirability of permanent world peace; we admit it. But there is a real issue which the gentlemen cannot dodge: "Will the League of

Nations produce this world peace which we all agree we want?" In answer to this issue they seem to offer a Coue method of cure: "Every day in every way the league is getting better and better." Let us see if this Coue method is effective to secure the ends sought by the league.

The gentlemen say, "Certainly the league succeeds. Look at the magnificent record of the settlement of the Aaland Islands dispute." We wonder just how many of you know where the Aaland Islands may be found. We wanted to know so we went to the University Library and secured the biggest atlas. There on a big map with the aid of a strong magnifier we detected the Aaland Islands—a little dot. Now, we do not wish to minimize the importance of this achievement. We are willing to grant the gentlemen that the league helped settle this dispute and a couple of other petty disagreements. But, we have all heard of Turkey, and Greece is easily found on the map. The league has not settled the dispute between these two countries, but instead two of the members of the league egged on the fighting. Now let the gentlemen drop talk of Aaland Islands and tell us why these big problems are neglected. They will be compelled to admit that one reason why these questions are not settled is because members of the league do not want them settled.

If the league is to prevent war it must bring about disarmament. Before this problem it is helpless and admits it. France has recently completed a new gun which shoots seventy-five miles and weighs two hundred and fifty tons. Lord Birkenhead recently arose in the British House of Lords and declared that France was developing an air force of such power and magnitude as to threaten the safety of England. Imagine it! One prominent member of the league frightening another by extravagant indulgence in the sort of military program that the league is supposed to prevent. Lord Robert Cecil admitted with chagrin and sadness that it is futile to expect the league to accomplish anything for disarmament.

So when the Affirmative argues that the League of Nations is the hope of world peace, we are forced to answer that it is a misplaced hope; for the league gives no promise of securing world peace. I have shown that all that the league has to its credit are minor, petty accomplishments when contrasted with the real problems which the league has left unsolved.

The real argument of the Affirmative seems to be that the

League of Nations will prevent war if it succeeds in preventing war. That of course is true, and the same "if" argument might be built up about anything. When the nations of the world really want world peace above their yearnings for national advantages; when the nations in sincerity and truth seek peace—wars may then become a thing of the past. Without this sincere desire for mutual understanding and peace,—and I have shown you in my main speech that the nations do lack that desire—the league cannot succeed. With this supreme sincere yearning for peace universally experienced there will be no need for a League of Nations. What this war-torn world needs is not more cumbersome, creaky international machinery, but a new spirit and a new motive.

SECOND NEGATIVE REBUTTAL

C. E. Frank, Colgate

Ladies and Gentlemen: The Affirmative this evening have centered their constructive argument about one major point, repeatedly reiterating one important statement—that the League of Nations has been a success. To prove this fundamental issue, the gentlemen of the Affirmative have spent an entire speech in advancing several small points of almost insignificant value. The first speaker of the Negative in rebuttal has dealt with each of these minor instances cited by the Affirmative in support of their claim that the league has thus far been successful.

But the Affirmative have entirely neglected the Near East question in their discussion. The Near East affair alone is ample proof of the league's inefficiency and inadequacy. Our Opponents boldly claim that the league prevents war, calmly ignoring the greatest of the many conflicts now in process. The trouble in the Near East was deliberately begun by European members of the league eager for gain and valuable territory; and now that ruthless massacre and horrible atrocities have resulted, the league finds itself utterly unable to cope with the situation. If the Affirmative claim that the league has not attempted to solve this difficult problem, we would reply that the league should make it its business to attempt to end this terrible affair. Any league which is formed for the express purpose of preventing war is far from a success if it does not

even make an endeavor to end a conflict brought about by some of its own members.

League action in mandatory supervision and disarmament has been feeble and unworthy of the organization. Professor Brown of Princeton University, after a recent thorough investigation of affairs in Mesopotamia and Asia Minor, stated that within a year after the agreement to abolish secret treaties had been signed, several of the major nations had violated their solemn oaths and formulated such alliances as had been expressly prohibited by their pact. The management of British mandatories both in South Africa and on the island of Nauru has been exposed as fraudulent and illegal, contrary to the firm agreement reached by league signatories.

In the case of disarmament, little or no progress has been effected. Lord Robert Cecil, one of the leading figures of the league, and strongest advocate of disarmament, admits the failure of his efforts and acknowledges the inability of the league to obtain desired results, blaming the lack of definite accomplishment upon the failure of the league members to satisfactorily cooperate.

When European nations have shown themselves opposed to disarmament, unable to honorably carry out their mandatory duties, and insincere in their promises concerning the abolition of secret international transactions, we of the United States have no reason for believing that the fundamental conditions of European politics have changed with the advent of the League of Nations. Nor have we any reason to believe that the league's past augurs particularly well for a future fulfillment of expectations once held for it, when we clearly perceive that the league thus far, in every one of its major operations, has not been a success.

Social work, not requiring the entangling political alliances so objectionable to this nation, has been performed, but such beneficial accomplishments by no means require the attachment of the United States to a world league of political character.

The United States already has too many problems of her own which must be settled before she can hope to decide other people's troubles. Our immigration, prohibition, financial, and labor problems are threatening to demolish the very basic structure of the nation. We surely cannot tell the French how to get coal out of the Ruhr when we cannot even get our own

coal out of Pennsylvania. The United States, faced by almost insurmountable problems of a domestic nature, cannot possibly benefit the world by joining a league which has proven absolutely incompetent in attempting to attain the major purposes for which it was created.

THIRD NEGATIVE REBUTTAL

G. C. Wood, Colgate

The entire Affirmative case tonight has been based on the supposition that the United States is responsible for Europe's ills. On no other basis can the marvellous results which the Affirmative tell us will result when the United States becomes a member be advocated. The Negative denies that America can be blamed for the ills of Europe, and stands firmly with Herbert Hoover on the ground that Europe herself must take the fundamental steps toward recovery before American participation in her affairs will be of benefit to either party. For America to join the League of Nations now will accomplish nothing, and the Affirmative admit by their silence that such is the case.

Again, there has been a tendency to credit the league with every good thing that has been accomplished in Europe and to say that the things it has ignored or failed to handle are outside the jurisdiction of the league. It is quite understandable that many things which the league did not accomplish are credited to it, because it hardly seems possible that it could have existed for three years to no purpose. Yet all its accomplishments and all the things credited to it cannot over-balance the things it has turned aside and the things it has bungled. Today all over Europe there are peoples governed in a manner that would ordinarily not be tolerated. Macedonia, Syria, Turkey and Greece are only a few of the sorest spots of the body of Europe. Countries still support large armies and hasten the coming of other wars. The secret treaty sections of the treaty have been so flagrantly violated that a British weekly devoted a large part of an issue in publishing some it had run across, treaties made since the war. Large nations have made more secure than ever their domination over the smaller nations. A few diplomats still carry on the affairs of the world in the same old European way that brought on the World War. Instead of the peace that the League of Nations promised we find a hot-bed of fomenting trouble.

To say that America can solve these problems is to contend that she is the physician who possesses some wonderful tonic that will instil into the countries the thing which they need to regain their strength. What can it be? What patent medicine can America give Europe? She has none.

The Affirmative have continually neglected to show why every European problem is an American problem, why America need take on the special machinery of the league, what she can do to save the world. Until they show these things their case has failed.

The first Affirmative point, that the league is the most effective means of preventing wars, is answered by present conditions in Europe, where a dozen countries are ready to fly at each other's throats. If the league has this power to prevent wars, when is it going to start?

The second Affirmative point, that the league has worked, ignores the fundamental problems of Europe. The Ruhr dispute, the Turkish problem, and a dozen others are still unsolved.

The final contention of the Affirmative, that this is America's great opportunity, deals in the visionary things with a profound faith in mere machinery. It does not consider the practical fact that America has nothing to offer that Europe wants.

On the other hand, the Negative case declares first of all that present conditions of Europe show that the league has failed; that the methods used are ample evidence that it will always fail under similar conditions; that America's call to service is outside the league, where she can accomplish more; and that the self-interest of America demands that she continue her policy of remaining free from hampering international contracts.

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CHAPTER VIII

ORGANIZED LABOR IN POLITICS

UNIVERSITY OF TEXAS

versus

TULANE UNIVERSITY

RESOLVED: *That organized labor should enter politics as a separate party.*

These were the speeches delivered by representatives of the University of Texas and Tulane University. The Affirmative team of the University of Texas met the Negative team of Tulane University at Austin, Texas, on April 13, 1923. The decision of the five judges was unanimous in favor of the Affirmative. This debate was the third of a series of three inter-university debates participated in by the University of Texas, and the second in which its Affirmative team debated the Labor Party. The report and the bibliography were secured thru the courtesy of the Secretary of the Public Speaking Council of the University of Texas.

BRIEF

ORGANIZED LABOR IN POLITICS

AFFIRMATIVE

INTRODUCTION:

A. The question is important.
   1. Political parties are the prime agencies in upholding the Constitution.
   2. Economically, the labor problem is the most insistent one of modern society.
      a. It is the problem of bread.

B. The proposal is for the formation of a political party by the American Federation of Labor.

C. It does not imply limitation of its membership to orthodox trade unionists alone.
   1. It would include the liberal or independent vote.
   2. The votes of the present more radical parties.

I. A labor party should be organized because there is a distinct and vital need for a new party.

A. There are no real issues between the Democratic and Republican parties.
   1. The issue upon which they had their origin was that of "states rights."
      a. This no longer furnishes an issue.
   2. There is no real difference along the tariff issue.
   3. There is none on the League of Nations.

B. The existing parties do not and cannot solve adequately our vital problems.
   1. Economic issues should lie in politics.
      a. Left to the strike, as at present, they lead to violence.
      b. Politics and economics are inextricably interwoven.
      c. Both capital and labor must be heard.

2. Capital is amply represented.
   a. Campaign contributions testify to it.
   b. It is the observation of Woodrow Wilson.
3. Labor is not represented.
   a. The parties cannot consistently represent both capital's cause and labor's cause.
   b. The non-partisan political policy of the American Federation of Labor for fifteen years has only brought it new grievances.

C. The need will best be met by a labor party.
   1. It would represent labor.
      a. By injecting real economic issues into politics.
   2. Organized labor possesses in itself considerable political strength.
      a. It has a voting strength of seven and one-half millions.
      b. An organization of thirty-five years' development.
      c. The independent vote of the country is in sympathy with the economic ideals of labor.

II. A labor party is feasible at the present time.
   A. The conditions of our country are favorable to its formation.
      1. Labor's past weapons are rapidly becoming obsolete.
         a. The strike entails costly sacrifice and less certainty of success.
      2. The economic means that labor has used have been made less and less effective.
         a. Decisions of the Supreme Court have struck at legislation in its favor.
      3. The non-partisan political policy of labor has been a failure.
         a. Labor has had to accept much that is inimical to her interests to gain a little that is favorable.
         b. The American Federation of Labor has since 1906 made complaints of the non-responsiveness of the government to its demands.

4. The farmers are dissatisfied.
   a. This is shown by the growth of the non-partisan league.

B. History shows that independent labor parties will succeed.
   1. Every civilized country in the world today with the exception of the United States has a strong labor party.
   2. In Great Britain, where the political system most resembles our own, the labor party has been most successful.
      a. It has put English labor ten years ahead of American labor.

C. The discussion in politics of the reforms proposed by the Labor Party would be of great educational value to the whole nation.
   1. The British Labor Party has put forth a reconstruction program based on:
      a. The universal enforcement of the national minimum.
      b. Democratic control in industry.
      c. The revolution in the national finance.
      d. Surplus wealth for the common good.
   2. The public sentiment of Europe caused the inclusion of the labor clause in the treaty of peace.
   3. It would encourage progress by existing order, not by its overthrow.
      a. Authority would generate caution.
   4. It would bring labor the confidence of the public.

NEGATIVE

I. Organized labor should not enter politics as a separate political party.

A. It does not represent the working classes of this country.
   1. Of thirty-seven million Americans who earn their living by labor, less than five million are affiliated with trade unions.
   2. The American Federation of Labor represents only about four-fifths of the organized workers.

B. Organized labor is not fit to form a political party.
   1. Because of its attitude toward unorganized labor.
      a. It is bitterly hostile to workers not affiliated with it.
      b. It has no interest in the laboring classes as a whole, but only in its own ends.
      c. A party will be an instrument for further oppression and persecution.
   2. Because the spirit among the unions themselves is one of disloyalty and enmity.
      a. Controversies arise out of rival claims by different unions to a certain class of work or the allegiance of a particular body of workers.
   3. The union leaders are guilty of reprehensible practices.
      a. They use violent and unlawful means to gain control of unions, tearing it between rival factions.
      b. Graft.
      c. Conspiracy to prevent lawful competition.
   4. The officers and organization of the American Federation of Labor reflect the spirit of the inferior leaders.
      a. It denies the right of democratic government within its jurisdiction.
         (1) The administration is lodged in a small, unrepresentative executive council composed of Gompers and his lieutenants.
         (2) It has denied the right of the referendum and recall in connection with its officers.
      b. The officers are the men who will be the national leaders of the proposed organized labor party.

II. A labor party should not be organized because of the selfishness of organized labor as reflected in its avowed program.
   A. It champions the unlimited right to strike.
      1. It places its greatest concern in extending its militant activities.
      2. It will retain this power when it has political action.

B. It demands the unrestricted right to boycott.
   1. This is the desire to exercise strategic power in obtaining demands whether they are justified or not.
   2. Labor attempts to disrupt the economic stability of business in order to further its position as a class in a war against capital.

C. It demands the abolition of the injunction in industrial disputes.
   1. The right to the intimidation of the public by irreparable destruction and economic loss.

D. It demands the removal of the power of the courts in constitutional matters.
   1. It fears the properly organized powers of government.
      a. Our courts and judiciary are essential to the true balance of government and must be maintained.

E. It demands the repeal of all anti-combination laws, itself refusing to incorporate or to be considered as corporate bodies.

III. The solution of our social and industrial problems must be brought about along other lines.

A. The plan for the formation of a separate labor party is wanting.
   1. Any monopoly of the powers of government by either capital or labor cannot be tolerated.
      a. Labor as a single class can't be permitted to dominate.
   2. It would be futile to attempt to impose its program upon the rest of society.
      a. The class alignments in America are interwoven and mutually combined.

B. The political parties are now dividing by natural political evolution.
   1. The wings of both major political parties are gathering independent strength.
   2. Blocs are falling in line as reactionary or progressive.

3. Democrats are voting with Republicans, and Republicans with Democrats.

C. The Negative advocates this political growth, for:
   1. It is a peaceful, rational and natural process.
   2. It is working itself out within the organization of our existing political machinery and will bring about a realignment into natural groups—liberal and conservative.
   3. This new political alignment will take up the issues which are calling it into being and will effect the legislative solution of our social and industrial problems.
   4. These changes will be brought about in accord with the Constitution and the properly organized functions of democratic government.
   5. The introduction of a third party would cause political difficulties and retard the natural processes.
      a. The issues that formed the Republican party precipitated civil war.
      b. Issues today are likewise delicate and fraught with danger.

ORGANIZED LABOR IN POLITICS

UNIVERSITY OF TEXAS

versus

TULANE UNIVERSITY

FIRST AFFIRMATIVE

Terrell Sledge, Texas

The Constitution makes no mention of political parties; yet parties are the prime agencies in upholding that Constitution. More important than this political aspect of the question, however, is its economic aspect. Today, everywhere, the one problem that most insistently presses for solution is the problem of bread. The conflicts arising out of this problem split modern society wide open, and test existing institutions as they have never been tested before.

As one contribution to the appeasement of the clash, to the solution of the labor problem, the Affirmative tonight proposes that organized labor should go into politics as a separate body. This means that the American Federation of Labor should abandon its present policy of non-partisan political action—of alternately supporting existing parties; that she should go one step further than her present decision to leave the formation of a labor party to the state federations. It means that the American Federation of Labor should form a party of her own. This does not mean, however, that membership in the proposed party would be limited to the American Federation of Labor. This party would have on one wing the liberal or independent vote, on the other wing the voters of the present more radical parties, and in the center the orthodox trade-unionist of the American Federation of Labor.

Such a party should be organized because, first, there is a distinct and vital need for a new party. There is a crying need for a new party because the two-party political system has disappeared. There are no real issues between the Democratic and

Republican parties. The issue upon which they had their origin was that of "states rights." It is the cherished thought of many of us that the Democratic Party champions the sovereignty of the state as opposed to the federal or centralized policy of the Republicans. Yet it was under the last Democratic administration that government was centralized to a degree never before approached even by the Republicans themselves. States rights, once vital, therefore, no longer furnishes an issue between the two parties.

The traditional tariff issue is equally a thing of the past. The Democrats in Congress advocate a 5 per cent duty on carbolic acid as opposed to the Republicans' 15 per cent duty. Only two weeks ago the Democratic cattlemen of Texas assembled in convention at El Paso and applauded the demand for a protective tariff on wool and hides. There is no real difference, therefore, along the tariff issue. The slight difference which does indeed exist serves only to confirm the oft-repeated charge that the Republican is the party of big business, and the Democratic the party of little business.

Nor is a real difference revealed by the League of Nations issue. In the 1920 election, the Republicans were supposed to be the foes of the league, while the Democrats were thought to be its friends. In the ranks of the Republicans, however, were such pro-league men as Taft, Root, and Hughes, founders of the League to Enforce Peace; and among the Democrats were such foes of the league as Reed, Watson, and Bailey. Add to this, President Harding's disarmament conference and his more recent instructions to Congress to enter the World Court of International Justice, and it can be readily seen that there is on the league issue no real party difference.

Thus we have in America, not our boasted two-party system, but a one-party system. All that we do with our ballot is to determine whether the predominantly northern section of that party or the predominantly southern section shall have the spoils of office. The need of a new party is apparent, therefore, in order that the United States may enjoy the benefits of a two-party system.

A new party is needed, second and more fundamentally, because the existing parties do not, cannot, solve adequately our vital problems. Ours is an industrial age. The struggles of today are industrial struggles. The clash everywhere is between

the employer and employee. Three thousand strikes per year bear grim testimony to the struggle between labor and capital that shakes civilization to its foundations.

These economic issues, which left to the strike, lead to violence, but which put in politics lead to peaceable solution by public discussion—these economic issues should be in politics. Politics and economics are inextricably interwoven. All important legislation is essentially economic in scope and effect. J. A. Hobson, (Democracy After the War) page 175, says: "There is no political function of the state which does not and must not engage some distinctly economic activities, not merely by its claim on the public revenue, but by the fact that its performance cuts across and interferes with business operations. All public political problems involve claims on property and industry to the settlement of which the paramountcy of the state is indispensable." Thus the vital problem before America today is the attitude of government to industry. It is a problem which must be settled in politics. And if this vital problem is to have an intelligent and equitable solution, if the public as a jury is to render an intelligent verdict, both parties to the controversy, both capital and labor, must be heard.

The cause of capital is amply represented. The present parties represent all too well the cause of the employer. That statement is admitted by the Democratic and Republican parties every time a list of campaign contributions is published. "The masters of the government of the United States," says Woodrow Wilson, "are the combined manufacturers of the United States."

It is because they represent capital that the two parties cannot represent labor. Labor and capital, as society is now constructed, have conflicting interests—that is why they clash. The defendant cannot be forced nor expected to incriminate himself, especially when he considers himself innocent; nor can the capitalistic parties be expected to champion the cause of labor, capital's antagonist. The Democratic and Republican parties do not, cannot, represent labor's cause and be consistent with their own interests.

The American Federation of Labor's non-partisan political policy is based upon the blind supposition that the enemy makes the best of leaders. There is small wonder, then, that such a policy, after having been followed religiously for over fifteen years, has occasioned, with every new year, a bill of grievances,

a mass of adverse court decisions, a dearly bought collection of grandiose but meaningless campaign promises, and a general stultification of five million American workmen. What else can labor expect when they are following leaders whom they should be fighting? The moneyed interests dominate the present parties; consequently, they do not, cannot, represent the case of labor. And failing to present both sides of the vital controversy, the two parties alone do not, cannot, solve the economic problems of America today.

This inherent evil, in addition to the virtual disappearance of the two-party system, shows the distinct and vital need for a new party. That need will be best met by a labor party. Such a party would represent labor. Delegates representing three million American voters met in Cleveland the 12th of last December and drew up a tentative platform which demanded, among other things, government ownership of railroads, abolition of the enjoining power of courts, a minimum wage, and public operation of coal mines. We hold no brief for these measures. They may or may not be desirable—that is immaterial. But these measures do represent the views of three million American workmen on America's fundamental problems; these views are radically different from those of the two major parties; and therefore, if the industrial problem is to have an intelligent and equitable solution, if labor is not to stultify herself, organized labor must enter politics as a separate party.

This proposed labor party would not only vitalize politics by injecting real economic issues, but such a party would possess in itself considerable political strength. Many of the minor parties of today might provide the issues; but nothing short of a labor party, with the union as a basis, can furnish the voting strength absolutely necessary to challenge the attention of the voters and the supremacy of the present parties.

The American Federation of Labor alone has a voting strength of seven and one-half millions, almost a third of the total national vote. It has an organization of thirty-five years' development. In addition to this inherent strength of organized labor, there is the independent vote of the country—a vote that has absolutely determined every election since that of 1912, a vote that has been, with the possible exception of 1920, thoroughly progressive and in sympathy with the economic ideals of labor.

The independents and organized labor would thus unite to form a party with the vital issues and undoubted strength to meet the distinct need for a new party—a strength to guarantee the success of a new party from its very inception.

The case of the Affirmative, in its essence, is that for the American principle of free discussion—a free discussion which is obtainable only through a labor party, which will vitalize politics, and which will solve the grave economic questions of the day by the ballot instead of the bullet.

Politics needs labor; but, more than that, labor needs politics. The organized labor movement is built on the fact that there is a struggle between capital and labor; but labor, by its present non-partisan policy, chooses to fight her political battles under Democratic or Republican leaders who deny the existence of that struggle.

It is between a stultified and sensible labor movement, between a repressed or vitalized politics that the gentlemen must make their choice.

Before this debate goes further, the Affirmative wishes to ask the gentlemen three questions:

1. Is not the vital problem that confronts American government today essentially an economic problem?

2. Is not labor's solution of this problem radically different from that of the major parties?

3. Does not the modern labor movement rest on the philosophy of the class struggle?

FIRST NEGATIVE

Leon S. Cahn, Tulane

In order to solve the industrial problems of the United States, the gentlemen of the Affirmative propose that organized labor should enter politics as a separate political party. But they fail to stress (or mention) the salient fact that of the thirty-seven million Americans who earn their living by labor, less than five million are affiliated with trade unions. It is a party formed of these five million laborers alone that we are to discuss tonight.

Organized labor is composed of several different groups of affiliated labor unions, the largest of which groups are: the American Federation of Labor, the Railroad Brotherhoods, the Amalgamated Clothing Workers, and the Industrial Workers

of the World. Of these, the American Federation of Labor is by far the most important. It represents about four-fifths of all the organized workers in America, and is composed of unions in every branch of industry. We shall therefore consider the American Federation of Labor as representing organized labor.

Before subscribing to the entrance of a party into politics, we should consider what would be the composition of this party, what its principles, what its effect on the rest of the nation, and, finally, whether it would be the best means of solving the particular problem involved.

In view of these considerations, the Negative contends that organized labor should not enter politics as a separate political party; first, because organized labor is not fit to form a political party, second, because the principles for which organized labor stands are unsuited to become the platform of a political party, and third, because the labor problem must be solved in another way, as we will show.

A house can be no better than the material out of which it is made, and a political party can be no better than the elements that compose it. If its constituent parts are unfit, it is unfit. Let us then examine the history of organized labor, in order to discover whether it has given any evidence that it is not the material out of which a political party should be constructed.

One of the first characteristics of organized labor that we notice is its bitter hostility to any workers who refuse to submit themselves to its control. It is not satisfied that laborers should be properly treated, but demands that they obtain this treatment through the unions alone. It will go to any extremes to prevent an independent worker from earning a living free from its domination. For example, in April, 1920, a laborer named O'Reilly, who was working on the construction of a building in Chicago, had not joined a union, because he needed all his pay to care for his family, and could not afford union dues. But, when the business agent of the Hodcarriers' Union came around to the building where O'Reilly was working, he told him that he would either have to pay dues to the union or get off the job. When O'Reilly refused to do this, explaining that he needed the work, the union agent drew a revolver and killed him. There are numerous other instances that show that

organized labor attempts to force unorganized labor to submit to its dictates. The American Federation of Labor made no move to help the section hands on the railroads who were asking for better living conditions. It was only when the stress of war times gave these workers the opportunity to organize that the federation took any interest in their welfare. In 1912, the federation refused to support the demands of the unorganized silk workers in Lawrence, Mass., until the I.W.W. started to organize them, whereupon the federation stepped in and claimed that they must join the union affiliated with it and no other.

These are only a few of the examples of the attitude of union labor toward non-union labor. Union labor claims to strive for the benefit of all labor, and yet we see that it does all in its power to exterminate workers that are not affiliated with it. It has no interest in the laboring classes as a whole, but only in its own selfish ends. It is inconceivable that a political party composed of organized laborers would be any more considerate of unorganized labor than are the unions themselves. Such a party would rather be an instrument for the further oppression and persecution of unorganized labor. This party, then, would not represent labor as a whole, but would work for the advantage of organized labor alone, without regard for the rest of the workers, who are by far in the majority.

But it is not only in its attitude toward non-union labor that organized labor is to be condemned. Among the unions themselves are rampant disloyalty and enmity. The spirit of organized labor is not even a class spirit. It is more narrow, a trade spirit, petty and selfish. The best example of this bigoted point of view is found in the so-called jurisdictional disputes among the unions. These controversies arise out of rival claims by different unions to a certain class of work, or the allegiance of a particular body of workers. The unions will resort to any method, however unjustifiable, to support these claims. For example, in 1906, the United Brotherhood of Carpenters and the Amalgamated Wood Workers became so bitter in their rival demands for the sole jurisdiction of the woodworking trade that each denounced as unfair firms that employed members of the other union, although full union conditions of employment prevailed.

The elevator constructors and the machinists disagreed in

1911 over the right to work on elevator installations. As a result of this dispute, the elevator constructors went on strike. The machinists and other union men took their places, thus committing the most horrible sin known to organized laborers, that of "scabbing" on their fellow unionists.

In the same year, the International Association of Plumbers had a dispute with the International Association of Steam Fitters. Unable to settle the matter by arbitration, the plumbers resorted to violence, and used gunmen to attack the members of the rival union. As a result, three of the most prominent officers of the plumbers were indicted on a charge of a conspiracy to kill.

Thus we see that, instead of that feeling of sympathy which must underlie all cooperation, there exists between the rival unions a bitterness of spirit, which rejoices at the news that disaster has overtaken their fellow-workmen. In many cases, as I have shown, they do all they can to aid in the misfortune of their rivals. They approach the employer of members of the opposing union, offering to work for lower wages. They will boycott his products if he refuses to discharge workmen who are affiliated with other unions than their own. They employ violence to defeat their opponents in the struggle for control of various trades, and will scab on their rivals who are out on strike, thus destroying whatever chance the latter might have of accomplishing their ends.

This is the material out of which an organized labor party would have to be constructed. With such bickering and discord, such disloyalty and treachery, could any party hope to succeed? Whether the purposes of organized labor are just or not, they will never be fulfilled under such conditions. The dignity of labor is often urged as a defense of unionism, but do these unions show any consciousness of their position, when we see them quarrelling over the right to do a piece of work, with the consequence that the work is not done at all? What is there of dignity in such forms of labor?

A political party constructed out of such men would never be able to convince anyone of the justice of their demands, and the sincerity of their claims, with such glaring defects in its organization. The unions are simply not the material for a political party.

Having thus examined conditions among the unions, we are not surprised to find the union leaders guilty of equally reprehensible practices. The men who seek to control the unions use violent and unlawful means to gain that control, with the result that the organization is torn between rival factions, each seeking to exterminate its rival within the union. For instance, in 1919, in Chicago, two different sides were attempting to control the elections for the officers of the Journeymen Plumbers' Union. One party thought that it would be much simpler if the candidates of their opponents were put out of the way, so they started a little shooting scrape the night before the election, thereby disposing of five of their rivals. After that everything went smoothly, until their best gunman, "Mossy" Enright, was found dead in front of his house with eleven bullet wounds in his body. Then the other side had a chance to run things. Such methods, introduced into our party politics, would be indeed efficient. The people would be spared the trouble and expense of a formal election. Rules might even be devised, providing, for instance, that no candidate have more than ten gunmen with him at the polls.

Another pet hobby of the labor leaders is that of graft. The famous Lockwood investigation of 1920 threw quite a bit of light upon the methods used by union leaders to enrich themselves. This investigation disclosed the fact that Robert Brindell, president of the Building Trades Council, a union affiliated with the American Federation of Labor, had been extorting large sums of money from various employers, for which consideration he arranged that no union men would work for any but these employers, and that the latter would hire no union workers not connected with Brindell's particular union. Then there is the case of the notorious "Umbrella" Mike Boyle, business agent of Local 134, Electrical Workers' Union. He would threaten to call out his men on strike, on any pretext whatever, unless the employer would fix it with him. The agent of the employer would find him leaning over the bar of his favorite saloon, with his umbrella hanging at his side. If the proper amount in bills were dropped into the umbrella, the strike was fixed, otherwise the men were called out. "Umbrella" Mike was convicted of conspiracy in the Federal courts in 1917, and again in 1919. Evidence showed that he had received as high as

$20,000 from one contractor alone, for immunity from strikes during the construction of an office building.

These are not mere isolated instances of the methods of labor leaders. The court records contain numerous cases of the conviction of union officials for criminal violence in the union elections, and for entering into conspiracies to prevent lawful competition. Were these men working in the interests of their followers, their conduct would be bad enough, but the sole object of such practices is to enrich themselves at the expense of the employers and of the laborers. We must not allow such a system to be introduced into our political life. Charges of graft against public officials are already deplorably numerous, without the addition of such cases as those of dishonest union leaders. We have reached a stage in our governmental system where force is no longer a factor at the polls, and we must not permit the revival of its use by the heads of the labor unions. These men are obviously not fitted to be the leaders of a political party.

We will now investigate the officers and organization of the American Federation of Labor, which is made up of the unions I have described to you. We find these supreme officials reflecting the spirit of the inferior leaders. While the federation cannot afford to resort to bloodshed, its officers have set up an autocratic form of government that absolutely dominates the affairs of the federation, and they refuse to permit the members to share in the government of the federation. The administration of the federation is lodged in a small, unrepresentative executive council, composed of Gompers and his lieutenants. The federation has declared for the democratization of industry, and yet denies the right to democratic government within its jurisdiction. The federation has expressed itself as favoring the use of the referendum in our national government, and yet, on page 330 of the report of the proceedings of the 1921 convention of the federation we read that a resolution to allow the use of the direct ballot and the referendum in the election of the officers of the federation was killed by the executive council. On page 433 of the report of the 1919 convention we see a resolution permitting the use of the recall by the members of the unions was also thrown out by the executive council's committee. What is the reason for this refusal to allow union laborers to participate in the government of their feder-

ation? The answer is obvious, when we consider that over $5,000,000 are paid in annually to the federation as dues from the members. Of course the men in office want to stay there, and share in the spoils. Of course they are unwilling to admit any others to power, because that would lessen their own portion.

These officers of the federation are the men who will be the national leaders of the proposed organized labor party. There can be no doubt that they will retain their ideas of autocratic domination, if elected into office. Did our nation shake off the bonds of a titled aristocracy, only to be subjected to the shackles of an aristocracy of labor chieftains?

No. We must not allow such a tendency to become part of our politics. We must guard our nation against the grasp which these men would be sure to extend, were they to be elected into office. Otherwise, we repudiated the democratic principles upon which these United States were founded.

I have shown you, Ladies and Gentlemen, that organized labor does not represent the working classes of this country, and therefore cannot claim that its party would work for the interests of all labor. I have pointed out the hatred and disloyalty that exist among the unions, and the methods they employ to defeat one another in the struggle for the control of the trades. I have proved that the leaders of the unions will resort even to murder, in order to win an election within the union, and these same leaders have been convicted time and again of grafting upon the public. I have described the autocratic methods employed by the officers of the American Federation of Labor, in order to prevent the members from sharing in the administration of the funds of the federation.

There is the material out of which the gentlemen of the Affirmative would construct a political party, for the purpose of advancing the cause of labor. How could such a party ever hope to be successful? And if unsuccessful, would it not inject into our politics methods which would endanger the very life of our nation? The material out of which such a party would be formed is unfit, and we must not allow its formation. It only remains for my colleague to prove that no party platform could ever be constructed out of the principles for which organized labor stands, and that the solution of the labor problem must be found in another direction.

SECOND AFFIRMATIVE

James Hart, Texas

There is a real need for a new party in the United States because the old parties have ceased to represent the opinions of all of the people, especially of labor. A labor party would present a program that would honestly meet the real economic needs of the hour. Therefore, the new party should be a labor party. The question arises, however, is a labor party feasible at the present time? A labor party is practicable at the present time because the conditions of our country are favorable to the formation of such a party,—first, because the weapons that labor has used in the past are rapidly becoming obsolete.

For many years American labor has resorted almost entirely to the method of the strike to secure its rights. That such a method is unpopular can hardly be questioned. The inconvenience caused by a railroad strike, and the actual suffering caused by a great coal strike, are things thoroughly familiar to the American public. One who investigates the history of the great strikes of recent years must inevitably come to the conclusion that the strike as a method of protection for labor is not only costly and unjust to the public, but it is also costly and unjust to labor. The great anthracite strike of 1922 cost the companies $30,000,000, and cost the eight hundred thousand working-men involved $100,000,000 in wages, besides the incalculable loss to the rest of the country. For all this sacrifice the workers received at the Cleveland conference the great privilege of being able to negotiate with their employers regarding wages in 1923. We would not minimize the advantages labor has gained in the past by the use of the strike, nor do we believe that in the present imperfect state of social justice labor can afford to abandon the strike altogether. However, the successes that labor has gained have been gotten at such enormous sacrifice that they seem to be losses rather than gains, and the strike is a weapon that labor can use with even less certainty of success in the future.

The economic means that labor has used to obtain her ends have been made less and less effective, second, by recent court decisions. A review of the most recent decisions of the Supreme Court shows that labor can expect to gain little as long as she is not independently represented in politics. On June 5,

1922, the Supreme Court in the Coronado case declared the funds of any union liable to seizure because of the misdeeds of any one of its members. In other words, the employers will be able to take advantage of any unauthorized act of violence of any union man in order to seize the funds of the whole union. In the Duplex Printing case, the Clayton Act, which Samuel Gompers had termed the "Magna Charta of labor's liberties," was turned against the labor unions. On May 15 of the same year, the court set aside as unconstitutional the Child Labor Law. Other decisions of the same year prohibited even peaceful picketing and sanctioned the unlimited use of the injunction against the strikers. Only three days ago the Minimum Wage Law was declared unconstitutional. These and similar adverse decisions not only render old weapons ineffective, but strike at the very heart of all recent legislation in favor of labor. The best way, therefore, that labor can serve its own cause is to abandon its present policy of defying the law, and, instead, adopt a policy of honestly and openly trying to pass laws and constitutional amendments, where necessary, that will favor labor's cause.

Labor has indeed already gone far toward independent political action. Since 1906, she has adopted a non-partisan political policy, thus conceding the need of political action. Her non-partisan policy, however, has obvious dangers to the nation and to labor itself. By such a plan labor practically goes on the market for candidates, and declares that she will support any man who is favorable to her interests, regardless of any other qualifications. In bargaining for promises, labor must accept much that is inimical to her interests in order to gain a little that is favorable to her interests. Labor in her present position appears as one of the special cliques, like the beef trust and the oil trust. If the workingmen really believe in what they are supposed to stand for, they would put themselves in a better position and would undoubtedly improve the political conditions of our country if they tried to elect men who really believed in labor's economic program, and who would not, after they are elected, turn their backs on labor as many so-called "friends of labor" have done. Even the American Federation of Labor practically admits the failure of its pet non-partisan policy when year after year since 1906 it has made complaints of the deafness of the government to its demands.

The farmers, also, have had reason to complain against present conditions, and are beginning to attain a degree of trade consciousness. This is shown by the growth of the non-partisan league in the middle west. Labor and the farmer undoubtedly have common interests. Where conditions exist as they do now, with the farmer getting only 37 per cent and the worker 35 per cent of the ultimate price of his product, the producing classes have a clear common cause against those parasitical and exploiting classes that reap the profit of others' labor. If these two producing classes ever realize their united strength, and enter politics and control it as they surely can, every class but the parasitical hangers-on will be benefitted. Farmers, laborers, and the great middle class have a common foe in the exploiter and the profiteer. Under such conditions the time is certainly ripe for labor to form a great producer's party.

History shows that independent labor parties will succeed. An important fact is that every civilized country in the world today, with the exception of the United States, has a strong labor party. France, Great Britain, Germany, Norway, Sweden, Denmark, Czecho-Slovakia, Australia, New Zealand, Italy, and Canada all have strong labor parties. Every one of these countries has economic institutions that correspond exactly to our own; and it is only reasonable to assume that if the rest of the civilized world needs a labor party to solve its problems, the United States needs one too. Great Britain has the political system that most nearly resembles our own, and is, strangely enough, the country where the labor party has been most successful. Practically ever since the reign of William and Mary in the late seventeenth century, England has had a two party government. It was something of a shock, therefore, when the British Labour Party was organized in 1900 and was able to elect its first members of parliament in 1906. Growing to twelve times its original strength in 1922, the British Labour Party has displaced the Liberal Party and is now His Majesty's Opposition to the Conservative Government. The practical gain by the British workingmen from this political enterprise is greater even than their political success, and, according to the statement of Mr. Gompers himself, has put English labor ten years ahead of American labor.

Great as the practical gain by the British workingmen has

been, it has been exceeded in importance by the tremendous educational value to the whole nation derived from the discussion in politics of the reforms proposed by the labor party.

The reconstruction program of the British Labour Party is based on four great pillars: first, the universal enforcement of the national minimum; second, the democratic control of industry; third, the revolution in the national finance; and, fourth, the surplus wealth for the common good. This platform was termed by Bishop Brent, "the most religious utterance of the World War."

Mr. David Hunt Miller, legal adviser of the American mission to negotiate peace, says, "the inclusion of the labor clauses in the treaty of peace was due to the public sentiment of Europe —the demands of the labor parties and groups of the allied countries was too insistent to be ignored." That authority brings caution is a well known truth, and the laboring men, where they have entered politics, have been led to try to realize their ideas of progress by the use of the existing order and not by its overthrow.

The importance of political discussion of public questions is dear to American hearts. By letting all of the people know what their case is, and by submitting their demands to the people for solution, labor will be using the American method. Labor will be playing fair; labor will gain the *confidence of the public.* Abraham Lincoln told a group of workingmen at Herndon, Illinois, in 1855, "You can better succeed with the ballot. Let there be peace. Revolutionize through the ballot box and restore the government once more to the affections and hearts of men by making it express what it was intended to do, the highest spirit of justice and liberty."

This is the height of the argument. Labor's central idea is the culmination of centuries of struggle for freedom and equality. In the reformation we gained religious freedom and equality; in the Magna Charta we secured legal freedom and equality; and in the Declaration of Independence we gained political freedom and equality. Labor feels that the victory will not be complete until industrial freedom and equality is attained. The better way to decide whether labor is right or wrong is to submit her demands for decision by the people in the open political forum. The alternative is to allow labor to go on unsatisfied,

with violence and revolution—the overthrow of the present system of society as her only hope. In the minds of patriotic Americans there can be no hesitation. Labor must enter politics as a separate party.

SECOND NEGATIVE

Lawrence Martin, Tulane

Mr. Chairman, Honorable Judges, My Worthy Opponents, Ladies and Gentlemen: My colleague has described for you the character of the personnel and leadership of organized labor and has shown you the unfitness of these organizations and their methods for political activity. He has shown you that the very purpose of their existence is selfish, and has clearly demonstrated the impossibility and impropriety of constructing a political party of such material and based upon such principles.

My task shall be, first, to show you the selfishness of organized labor as it is reflected in its avowed program, and second, to prove that, in the light of these conditions and facts in regard to organized labor, the solution of our social and industrial problems must be effected by other means than those proposed by the Affirmative.

First, let us consider the program of organized labor. The gentlemen of the Affirmative have depicted for you maltreated, downtrodden labor, fighting in vain under the present system for the fundamental principles of life and liberty. In order to justify their contention that organized labor should be permitted to gain control of the national and local governments in order to achieve its ends, they have developed what they consider to be the needs and aims of organized labor. We should very much like to hear the gentlemen of the Affirmative quote, from a valid labor authority, a definite statement of the program and principles which they have, upon their own initiative, ascribed to organized labor. In the meantime we ask permission to submit the planks of labor's program as they stand printed in the report of the 1921 convention of the American Federation of Labor.

Let us peruse the list, selecting the obviously more important issues for special consideration. High in order we find organized labor championing the unlimited right to strike. Labor still places its greatest concern in extending its militant activities,

in exalting might as a substitute for right, and reason, and justice. Organized labor does not agree to forego the strike as its weapon if it is granted a place in the political arena, but rather we hear its spokesmen, through the New Republic, exclaiming that "the present industrial situation illustrates the need of supplementing direct with political action." Organized labor, in politics or out of politics, will always cling to its power as a strategic minority, a minority whose peculiar position enables it, often unjustly, to threaten a great nation with inconvenience, disorder, and economic loss. Does labor dare to carry this plank of its program before the great body of the American public? Is this an example of the sort of principles that are to be involved in our future political platforms?

Then we find this high council of organized labor writing into its platform a demand for the unrestricted right to boycott. Search this issue however you choose, it is impossible to see how it can hold any good for the country at large. There is nothing in it but the desire of labor to exercise a strategic power in obtaining its demands whether they be justified or not. Again labor attempts to disrupt the economic stability of the business of the nation in order to further its position as a class in a bitter, selfish war against capital. There is no place in our political fabric for the stain of an issue so biased, so prejudiced, and so fraught with economic peril as this one.

Then we find a demand for the abolition of the injunction in industrial disputes, and this, Ladies and Gentlemen, we can interpret only as a confession—a confession on the part of organized labor of the lawlessness and violence of its behavior in conducting its selfish, anti-capitalist struggle. It lays bare the ugly secret of labor's might. Organized labor, unable to win its exorbitant demands lawfully, reasonably, and peacefully, must rely upon intimidation of the public by irreparable destruction and economic loss. Organized labor wishes to throw off the one restraining force by which it may be prevented from taking drastic steps in what so often proves ultimately to be an unjust cause. It wishes to unshackle its grim strategic might, that it may be a greater menace than ever to the rest of society.

Next we find organized labor demanding the removal of the power of the courts in constitutional matters. It is this fear of labor for the properly organized powers of government that is the greatest indictment against it, and holds the greatest

danger that a separate labor party would place in the way of the nation. Our courts and our judiciary constitute a unit that is essential to the true balance of democratic government, and they must be maintained. They must stand for the very purpose of modifying and limiting the ambitions of labor as a class.

We can understand why labor desires the removal of the power of the courts when we find it further demanding the repeal of all anti-combination laws, itself refusing to incorporate or to be considered as corporate bodies. For the courts are the one power that can stand, in the interest of justice, between organized labor and its desire to set up laws prejudicial to labor's narrow, selfish class interests. The sum of this entire program is the expression of the narrow class consciousness of the labor group and it must be controlled by every reasonable power of government.

And now, Ladies and Gentlemen, we are in a position to demonstrate that the solution of our social and industrial problems must be brought about along other lines than those suggested by the gentlemen of the Affirmative. The political path which they advise us to follow leads but to the Slough of Social Despond, to class warfare and economic ruin, and hope in the future must be sought along another and broader highway. The entire world is engaged in passing the greatest crisis that ever marked the pages of its history. Moreover, the revolutions and upheavals, and the momentous changes that are everywhere in progress are of a social and economic nature. The problem of the industries is the great problem of government today. We should approach the solution of such a problem with the utmost tact and caution.

The gentlemen of the Affirmative have set up for your consideration a plan which they erroneously believe to be the solution of our present social and industrial problem in America —that plan is the formation of a separate labor party. But we have sounded that plan to its very depths and have found it wanting. There is no need to conjecture as to the present trend of organized labor in America, for labor has a past and a record. The motive which brought about the organization of labor was the necessity of protecting labor's interests as a class as against those of capital, and the membership of those organizations is necessarily imbued with class consciousness and jealousy of its special interests. We do not disparage the right

of labor to organize for defence any more than we can condone it in taking unfair strategic advantages to the detriment of the common weal. We simply wish to point out that any monopoly of the powers of government by either capital or labor in order to further selfish interests cannot be conceived or tolerated in America.

We know the stuff, Ladies and Gentlemen, of which organized labor is composed—that much is evident from its history and the indisputable facts of its record. We know what organized labor wants and the principles for which it stands—we have read them to you from the reports of its highest councils. Moreover, labor is but a single class, and as such cannot be permitted to dominate the social and political structure of the nation.

We are reminded by Professor Merriam of the University of Chicago in his book on the American party system that the political party cannot be considered as acting in a social vacuum, that there are class alignments in America just as deep, if not so distinct, as those of the old world. There are great groups of common occupation, of common racial origin, of common religious belief, and of common residence. These groups are interwoven and mutually combined, and thus they form the intricate stratification of society. Organized labor constitutes but one-tenth of the laboring class, and this class is but one division of one of these groups. It is cut through by the other alignments, such as those of common racial origin and common religious belief. Finally we see the futility of this special class unit attempting to impose its program upon the rest of society by separate political action. We must agree with Professor Merriam in concluding that the prime purpose of each group politically should be to identify its interests with those of the larger group.

The political situation in America has come to that point where the great parties are failing to meet fundamental issues. For ten campaigns the major parties have failed to divide and have revealed no clear cut issue. But the political situation has also come to that point where the great parties, within themselves, are dividing. The thinking men, whose ears are near the ground, the men who are in a position to study and to know the trend of American political evolution, concur in pointing out the inevitable separation that is being effected. The wings of

both major parties are gathering independent strength, and the blocs are falling in line as reactionary or progressive. We find Democrats voting with Republicans, and Republicans concurring in Democratic ideas and opinions in the committees of Congress. The old alignment is dissolving, and a new political alignment is being evolved by the quiet, cautious and sure process of natural political evolution.

It is to this political growth and rearrangement that the Negative pins its faith and hope for the future. We advocate this peaceful, rational and natural process. We advocate it because even now, it is working itself out within the established organizations of our existing political machinery and will, within reasonable time, bring about a realignment of political factions into the natural groups—liberal and conservative. This new political alignment will take up the issues which are calling it into being, and will effect the legislative solution of our social and industrial problems. And all this will be brought about, mind you, in perfect accord with the Constitution and the properly organized functions of democratic government.

We advocate this solution of the problems confronting the nation as opposed to that proposed by the gentlemen of the Affirmative. For the introduction of a third party will involve the present political situation in untold difficulties and will serve but to retard the natural processes of rearrangement now at work. Once in the life of this nation the existing parties refused to cope with impending issues. At that time the only third party movement that ever assumed a permanent position of magnitude under our government, was formed for the express purpose of precipitating those issues. The Republican party forced the issue of the extension of slavery upon the people and hurled them into bitter civil war.

With the tides of bolshevism and anarchy rising all about us, and with economic and industrial upheaval seething through all the relations of society, can we afford to blind ourselves to the imminent peril of the situation? Can anyone deny that the issues today are as delicate and fraught with danger as those which faced the people in 1860? With natural processes of stable readjustment at work to remedy the situation, we cannot conceive the reason or sanity of introducing a third party to precipitate unnaturally fundamental issues that will plunge the nation into social and industrial revolution.

We stand firmly for broad changes that will involve all groups and all classes, north, south, east and west, in a great and orderly rearrangement of our social and political structure.

FIRST AFFIRMATIVE REBUTTAL

Terrell Sledge, Texas

Mr. Chairman, Ladies and Gentlemen: It is indeed gratifying, in the beginning of the refutation of this debate, to find that the Negative and the Affirmative are in complete accord. The gentleman who has just left the floor, has taken the stand for the natural evolution of American politics; that on the one side, ultimately, we shall have the conservatives, and on the other side we shall have the radicals. And that, Ladies and Gentlemen, is what the Affirmative has talked twenty-four minutes for. At the beginning of this debate, we submitted that the party for which we were contending would have on one wing the liberal vote, and on the other wing the radicals, and in the center the orthodox trade unionists.

Thus the Affirmative is advocating a party which the Negative admits is desired. Ladies and Gentlemen, such an admission makes further debate unnecessary. But as a matter of form, we shall proceed to answer the other arguments submitted by the gentlemen.

Let us consider, first, the first proposition submitted by the gentleman who has just left the floor. The gentleman says that the principles and ideals of labor are unfit for politics; that they are unfit because they are radical or very different from those held by the Democratic or Republican parties. But, Ladies and Gentlemen, we submit that this is the soundest reason why labor should go into politics. If labor's views are different from those of Democrats and Republicans, is it not reasonable to assume that the only outlet that labor has is to go into politics, and enter the political field in order that she may have representation for her own ideals. Doesn't this sound reasonable for a labor party? We cite you, for authority, Mr. N. M. Butler, president of Columbia University, and also Lindley M. Garrison, Secretary of War in President Wilson's Cabinet, and last, but not least, the gentlemen from Tulane. That is, Ladies and Gentlemen, the last two points of the Negative increase the Affirmative's four points to six.

And, now, let us consider this first proposition of the gentlemen: that organized labor is unfit to represent herself in politics. The only defect in the argument is that it proves too much. If organized labor is unfit to represent herself, how can Democratic or Republican parties represent her principles, when they are at enmity with labor? How can these parties represent labor? If organized labor is unfit to represent herself, how can any one else represent her? That is the situation in American politics today: Organized labor leaves her representation to capital. There is only one way by which the gentlemen can prove that organized labor is unfit to represent herself in politics, and that is by disproving the American principle of the ballot. And, until the gentleman does this, the contention for a labor party stands.

When the gentlemen were finding themselves in so complete accord with us, it is indeed regrettable that they did not answer those questions. Ladies and Gentlemen, the Negative failed to answer those questions because they cannot answer them, without revealing the fact that they are entirely in accord with the Affirmative.

Throughout this debate, so far, the Negative has not faced the central issue of the debate, other than by admitting it, and that is this: The vital problem of America today is the attitude of government toward industry. Organized labor has a solution for this problem, radically different from that of the present parties; and, consequently, if labor's view is to be represented in politics, if the problem is to be solved intelligently and equitably, organized labor must go into politics. Let the gentleman show the fallacy of this reasoning.

And the gentlemen have failed to face the choice which they must make. The choice affects the element most vitally concerned, organized labor. The choice is this: non-partisan politics, which makes labor the tool of the present parties, or, independent political action. This choice we leave to the gentlemen for their answer.

FIRST NEGATIVE REBUTTAL

Leon S. Cahn, Tulane

Ladies and Gentlemen: The gentlemen of the Affirmative have just stated their case, and their views. All the principles upon which organized labor was founded were taken from the

old country, where there is nothing but revolution. In Great Britain, members of the labor party have recently introduced a resolution for legislative action, to the effect that all mines, lands, and railroads of the country be taken over by the government, and the entire capitalist system be abandoned. The representatives of organized labor are in this radical class, and must be treated as such. From the gentleman's discussion, there must be a choice between the two irreconcilable classes of labor and capital, one of which will take possession of the earth. They refuse to consider the wage system as a compromise. The gentlemen of the Affirmative have not referred to the principle of overthrowing the government, and plunging us into a chaos of Communism and Bolshevism, such as Russia has given us an example of. They will have that kind of radicalism here with their labor party in politics. The American Federation of Labor has advocated many principles that are not worthy of representation in politics. Let me cite you an example of their political activity. In Seattle, in 1921, there was a battle between labor and capital. They had three weeks of a great strike, because of the fact that organized labor brought on the battle, and refused to consider any compromise. This is an example of the violence to which organized labor resorts in order to gain its ends. That is why organized labor is not fit to go into politics as a separate party.

Now, the Opposition refused to come out on the question of the Constitution. We advocated a constitutional form of government, rather than government by violence, and await their answer. If the Affirmative think that the labor party can get with such methods the things which organized labor demands, they are mistaken. How many of you, Ladies and Gentlemen, will trust a labor party to make a law that you will want to look at? We have seen labor tried before. We remember the railroad strike, in 1920, which threatened the life of this nation, in order to advance the selfish interests of a class. We know organized labor; we know its principles. We must not allow such principles to become a part of our political system.

One of the Affirmative speakers made a very good appeal in behalf of child labor laws, and other laws that he says organized labor demands, but organized labor does not demand these things. We challenge the Affirmative to prove that the American Federation of Labor has ever demanded any child labor laws. Organized labor does not care about these things; they

have no interest in such laws, except insofar as they benefit union labor alone. In other words, the union is selfish. It does not represent all labor.

Organized labor is not interested in unorganized labor. What does a carpenter working on a building in New York for $25 a day care about what a non-union carpenter receives? Thus, organized labor represents but a small fraction of the working class. They are unconcerned about the unorganized workers.

The gentlemen of the Affirmative erred in saying that organized labor represents all classes of this country. There are only five million organized laborers associated with the American Federation of Labor, and a few other organizations that make up the rank and file of this party.

The gentlemen of the Affirmative objected a great deal to the power of the courts, and the court decisions. They claim that the courts are not in sympathy with organized labor, and are their enemies. Are we to construe the gentlemen's argument to mean that organized labor can make better laws for our country than the judges upon the benches of our courts? Are these court decisions to be dictated by these five million members of the American Federation of Labor? Could the working people adjust all of our problems, better than the present parties?

The gentlemen of the Affirmative did not mention the overthrow of government by means of strikes, for which organized labor stands. The gentlemen of the Affirmative say that if organized labor is unfit to represent itself in politics, then the two old parties are even less fit to represent labor. If organized labor is unfit to represent itself, then some other class is unfit to represent itself. Must we draw the conclusion that this is true?

Organized labor is opposed to men to be elected to the legislature now who represent all the people. Must we take, as a matter of fact, a few of the rank and file, who are not our equals, to serve in the legislatures as representatives of one class only?

Now, Ladies and Gentlemen, there should be no government by organized labor, and we must not have anyone else to represent their principles in American politics. It is contrary to the views of men who have given time and study to the situation, such as university professors. Labor is unfit to go into politics as a party. This places politics upon a class basis.

SECOND AFFIRMATIVE REBUTTAL

James Hart, Texas

The gentlemen of the Negative have had to decide the question of whether labors' ideas should be represented in politics, and they have decided that they should not. In so deciding, they condemned our democratic institution of political representation of all classes. They have failed to realize that in any system of government by representation, the ideals of the workingmen must be represented, if there is to be a compromise in politics between the opinions of all of the people.

We have never advocated that labor's ideas were always sound, or should be adopted. We simply state that these are the ideas of labor, that they will and must be put into politics, and that the only way they can be put in politics, is by a separate labor party.

The gentlemen of the Opposition have given labor no choice at all. It is not for the sake of the ideals of labor that political representation is desired, but for the sake of a reasonable solution of our problems. Organized labor has three, and only three ways to present its ideas to the people. The first is by means of political action. The two old parties deny the very philosophy upon which the whole labor movement is based. Organized labor stakes its all on the accomplishment of certain reforms in carrying out its principles. And if the old parties will not represent organized labor in politics, then labor must have representation independently.

The second method is the method of direct action, of violence and revolution, which is not to be resorted to except in cases of extreme necessity. But, the gentlemen of the Opposition think that labor should not be represented in government at all. If not, how can labor accomplish its ideas of progress, except by violence and revolution? If you believe in certain principles, would you allow a certain group of citizens to represent you who were opposed to those principles? Above all, would you allow any group of men to deprive you of the right to political representation, because those men considered your opinions economically unsound? The workingmen are determined to obtain certain reforms; and if they are denied political means, they will use the only means left, namely direct action and violence.

Do the American people want labor to get their demands by

political action, or directly by strikes or revolution? The choice is for political representation, in the interest of labor, and in the interest of the country. Labor must choose politics instead of revolution.

The gentlemen have been pleased to wave before our eyes the old flag of class division in politics; but their theory has not worked out where labor has entered politics independently. In England, today, there are only two parties; the Labour Party and the Conservative Party. Included in the Labour Party are all classes of society, who realize labor's program is the best way to solve the problems of all England. In fact, on one occasion we find that the King himself sided with the Labour Party against the Conservative Party. Where labor has got into politics, she has based her principles on the whole national welfare and has made real progress for all of the people as well as the laboring man. There has, in fact, been no minute class division, where labor has entered politics as an independent party.

And, then the gentlemen claim that the American Federation of Labor does not represent the workingmen entirely, and should, therefore, not go into politics. But the American Federation of Labor is the only prominent organization of labor in this country, and if labor's ideals are to get into politics, the best and easiest way is to have that prominent organization in politics.

The gentleman mentioned revolutions in Russia, and other countries. Were those revolutions due to freedom of public opinion? Were they due to representation in politics of the workingmen of the countries? No. They were due to the very reverse; they were due to the suppression and oppression of workingmen. Therefore, if we wish to avoid the danger of such revolutions, we must put ourselves in a condition as far different from those countries as possible. The only way we can do that is to have the workingmen represented in politics; and the only way the workingmen can be represented in politics is by an independent labor party. Because of her duty to the labor movement—to be consistent with her own demands; because of her duty to the old parties, whose platforms deserve the test of real opposition; above all, because of her duty to the whole country, whose interests, labor says, will be benefitted by the fulfillment of labor's program, labor must enter politics as a separate party.

SECOND NEGATIVE REBUTTAL

Lawrence Martin, Tulane

MR. CHAIRMAN, LADIES AND GENTLEMEN: Before proceeding further, I wish to correct an impression. The gentlemen of the Affirmative have imputed to us the proposal of an organization of our political system with the conservatives on one side, and the radicals on the other. I did not say "radicals"; I said "liberals."

As a matter of fact, if there is going to be a reorganization of our system, what the needs of the new party are does not matter. What counts is the principle for which this party working out this change will stand for. That is why we have opposed the entrance of labor into politics as a separate third party. It is not because they haven't the material out of which a new party may be builded, but we have inquired into their principles. We have found those principles false to American democracy, and we have no other choice than to reject this third party. Our existing political organizations can take hold of and solve our industrial problems with our Constitution and our established government.

Now, I must hurry and take up the consideration of the three questions which the gentlemen of the Affirmative have placed before us, the answers to which they are so insistent to receive. First, they ask, does not the whole of organized labor rest upon the theory of the class struggle? Yes. Labor rests her entire program upon the class struggle, and it is this very class struggle that we must oppose by our constitutional organizations to act as a balance between classes. I ask you, Ladies and Gentlemen, does not the farming interests rest upon a class struggle? Does not capital rest upon the struggle of classes? Do not all groups exist because of class struggles? And is not the supreme power of constitutional government the only restraining force that can suppress that class struggle, that can hold it within lawful and peaceful bounds; which can prevent any one class from demolishing another?

Organized labor, if permitted, would seize government as a mere weapon to use fighting capital, and if labor had the power

of government to fight with, labor would not abandon the strike, because we know what the unions have done in the present situation, notwithstanding the fact that labor today is employing political action. The strike is still going to be the big thing. They are still going to fight with violence to protect their interests, and, if possible, they are going to take hold of the power of government as a second weapon.

They ask us a second question. Is America's vital problem not economic? Had I known the gentlemen of the Affirmative would so successfully demonstrate that the vital problem of America today is economic, I could very well have left out a great part of my speech, developing that point. So, Ladies and Gentlemen, we and the gentlemen of the Affirmative agree that the vital problems of America today are economic. But this is not argument. This is a basis from which to proceed to argument. This is only a common ground of agreement, upon which we can build up our contention.

The gentlemen of the Affirmative have proposed a solution. We have tried that solution. We have tested the material out of which they wish to build the new party, and it proved to be insufficient.

Finally, they ask us, is not labor's solution of our industrial problems radically different from that proposed by the Republican and the Democratic parties? They are the ones that use the term "radical." Not I. I suppose we must admit that labor's solution is different, when we read a letter from Nicholas A. Lenine, president of the radical Soviet government of Russia, commending Sidney Hillman of the Amalgamated Clothing Workers' Association. He begins his letter: "I am heartily thankful to you for the idea you have given us,"—and, after praising more of organized labor, in soviet lines, he ends the letter, "with best greetings to all workers who help Soviet Russia in one way or another."

Are we to have Soviet Russia commending organized labor principles in America? Gentlemen, I agree with the gentlemen of the Affirmative, in that organized labor in America must have a solution radically different from the solution advocated by Democrats and Republicans. But this is not the American solution of our industrial problems. I haven't time to proceed further.

AFFIRMATIVE REJOINDER

James Hart, Texas

The gentlemen of the Opposition have not as yet proposed any way by which labor may get its ideals before the people. They have gone this far, however; they have denied labor the right to representation in politics. There is only one other weapon that labor can use, and that is direct action,—the strike and even revolution, which means the overthrow of our present democratic system. On the other hand, we of the Affirmative, throughout this debate, have consistently supported the contention that labor try to accomplish its ideas of progress by the use of our constitutional institution of representation in politics. The Negative has necessarily driven labor to the use of violence by denying them the right to any representation in politics. In Russia, we have seen the inevitable outcome of the denial to the workingmen of the right to political representation. That disaster in Russia was the inevitable result of a feeling by the workingmen that in violence and direct action lay their only hope.

This is the case for a labor party. The two old parties have ceased to represent the opinions of all of the people, especially of organized labor. Therefore a new party is needed. Organized labor not only has the strength and organization necessary to the success of a new party, but it also has a program that will appeal to the producing and middle classes. Therefore, the new party should be a labor party. Labor's old weapons, the strike and non-partisan action, have become increasingly costly and ineffective. Therefore, now is the opportune time for labor to adopt independent political action. Labor parties have succeeded in every civilized country in the world where economic and political institutions correspond exactly to our own. Therefore, experience shows that an independent labor party will succeed in the United States. The fundamental principle upon which the case for a labor party rests is the democratic principle of the full representation in politics of all classes of the people. Labor can never hope to be represented by two parties who deny the very philosophy upon which the whole labor movement is based. A non-partisan policy denies the very right to existence of any separate labor organization. To be consistent with her own declarations, labor must fight an independent political battle as

well as an independent economic battle. Upon a vitalized instead of a meaningless politics, upon a peaceful instead of a violent solution of our problems, upon American political representation instead of Czaristic repression, the case for a labor party rests. In the Interests of labor and in the interest of the whole country, the decision will be the same: labor must enter politics as a separate party.

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CHAPTER IX

RESTRICTION OF POWER OF FEDERAL SUPREME COURT TO DECLARE STATUTES UNCONSTITUTIONAL

OHIO WESLEYAN UNIVERSITY

versus

WESTERN RESERVE UNIVERSITY

RESOLVED: *That the power of the Federal Supreme Court to declare statutes unconstitutional should be restricted.*

AGREEMENTS: If the Affirmative elects to propose a method of restriction it shall be by either

1. A vote of eight members of the Supreme Court to one, or
2. Veto by a two-thirds vote of the members of Congress.

This was a debate between an Affirmative team representing Ohio Wesleyan University and a Negative team representing Western Reserve University held at Cleveland, Ohio, January 19, 1923. The report was made up from a stenographic record that was approximately complete but not accurate enough to stand as taken. The decision was unanimous in favor of the Western Reserve University team. This was one of the debates of the twenty-fifth annual contest of the Ohio Intercollegiate Debating League, now consisting of Western Reserve University, Ohio Wesleyan University, and Wooster College. In the other debates the Western Reserve Affirmative team also won, the vote being two to one, and the Ohio Wesleyan Negative team won by a two to one vote. The report, briefs and bibliography were secured thru the courtesy of Professor H. S. Woodward, Faculty Director of the Debate Association, Western Reserve University.

BRIEF

RESTRICTION OF POWER OF FEDERAL SUPREME COURT TO DECLARE STATUTES UNCONSTITUTIONAL

AFFIRMATIVE

INTRODUCTION:

A. While restriction of the power of the Federal Supreme Court is demanded by only a minority, it is needed to remedy the weakness of the court and silence the radicals who demand extreme action.

B. The restriction proposed by the Affirmative would give Congress the power, by a two-thirds vote, to annul decisions of the Supreme Court.

I. Restriction is necessary, for
The Supreme Court is ultra-conservative, for

1. The justices show lack of understanding of the facts to which the laws apply, for
   a. Their age and training lead them to apply 19th century social and economic principles to 20th century problems, for
      (1) This was true in the child labor case of 1921.
      (2) This was true in the Adair case, involving the right of an employee of an interstate carrier to hold union membership.

B. The Supreme Court has declared statutes unconstitutional, not because they conflict with the Constitution, but with the preconceived social and economic theories of the justices, for

1. This was true in the income tax case.
2. The Dred Scot case is an example.
3. The Legal Tender Act is also an example.

C. The abuses of the Supreme Court cause widespread dissatisfaction, for
   1. The opinion of Theodore Roosevelt is general that, "Five men in the retirement of the judicial chamber can rule the President, and Congress, and one hundred and ten million people."

II. Dissatisfaction with the Supreme Court is fast ripening into a demand for restriction of its power, for
   A. This is shown in expressions of the press and public men.
   B. It is shown in action, for
      1. Roosevelt's plan in 1912 to recall decisions of state supreme courts would have greatly restricted the power of the Federal Supreme Court.
      2. Seven states have adopted the recall of judges.
      3. Colorado provides for the recall of decisions.
      4. The American Federation of Labor favors the Affirmative plan.—
      5. Extreme action is proposed by Senator Owen, W. J. Bryan, and the Socialist party.

III. The Affirmative plan is in accord with the spirit of our government, for
   A. It would establish the system of checks and balances, for
      1. It would apply the same check to the Supreme Court that applies to the executive and legislative branches—the will of the people.
   B. It would maintain the independence and integrity of the court and reestablish it in the eyes of the American people.

IV. Restriction of the power of the Supreme Court is practical, for
   A. In other countries the legislatures have power to override decisions of their highest courts, for
      1. This is true in England, France, Belgium, Italy and Canada.
   B. Congress is given less power than the legislatures of other countries, for
      1. A two-thirds vote is required instead of a majority vote.

C. The proposed restriction is comparable to the power of Congress to override the executive veto.
D. In cases where vast majorities want measures of reform the will of the people would promptly prevail, for
1. This would have been true of the income tax law of 1895.
2. It would be true now of child labor legislation. –

V. This restriction is the only safe plan of restriction, for
A. It is needed to keep the foundations of our government sound, for
1. The breach between the Supreme Court and the people is widening, for
a. This is shown in the attitude of Roosevelt and the Progressive party of 1912, the American Federation of Labor, the Socialist party, and others.
2. It will repair the breach, for
a. It will check the abuses of the court.

NEGATIVE

I. Restriction of the power of the Federal Supreme Court is unnecessary, for
A. The justices are and have been competent and of high character.
B. The Supreme Court is subject to enough restrictions now, for
1. Congress can exercise control over the court by its power to determine the number of justices, for
a. This power was invoked in the legal tender case.
2. Congress and the president determine who shall be the justices.
3. Congress has full power over the appellate jurisdiction of the court, for
a. Article III, section 2 of the Constitution gives Congress this authority.
4. The process of amendment of the Constitution is the final and adequate check on the Supreme Court, for
a. The people can overthrow any decision of the Supreme Court by amending the Constitution.

5. Lack of demand for change indicates the sufficiency of the present checks.

II. It would endanger our personal rights and liberties to restrict the power of the Supreme Court, for

A. Our personal rights and liberties have been saved from violation in the case of seventy-three statutes only by annulment at the hands of the Supreme Court, e.g.

1. Bailey versus Alabama.
2. Boyd versus the United States.
3. Yick Wo versus Hopkins.
4. Ex-parte Garland.

III. Restriction of the power of the Supreme Court would destroy the balance between the Federal and the state governments, for

A. The Supreme Court has one hundred and seven times invalidated legislation that would have wrecked this balance, e.g.

1. The state freight tax.
2. The Galveston Railway versus Texas.
3. Western Union versus Kansas.

IV. The Affirmative plan would be detrimental to the public good, for

A. It would remove the greatest safeguard over the acts of Congress and the state legislatures.

B. It cannot be assumed that Congress would act wisely, for

1. It is moved by sectional interests.
2. It is moved by political interests.
3. Much legislation is passed by log-rolling, pork-barreling methods.
4. Legislation is too much determined by lobbying, for

a. The consequence of lobbying is well illustrated in the case of the Adamson Law.

C. It would make Congress the judge of its own acts.

D. It would lower the dignity, power and prestige of the Supreme Court to the level of a mere debating society.

RESTRICTION OF POWER OF FEDERAL SUPREME COURT TO DECLARE STATUTES UNCONSTITUTIONAL

OHIO WESLEYAN UNIVERSITY

versus

WESTERN RESERVE UNIVERSITY

FIRST AFFIRMATIVE

Robert F. Maskey, Ohio Wesleyan

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: In coming before you to advocate a restriction of the power of the Supreme Court, the Affirmative is proposing a change which has the active support of no great majority of the population, but we bespeak, in this evening's debate, your unprejudiced judgment. Great and beneficent changes have been advocated by minorities.

Frequently we live ahead of the times, and now there is a constant tendency toward an increasing voice in the management of the government. We are merely proposing to add another step to this government by giving to Congress the power, by a two-thirds vote, to annul the decisions of the Supreme Court, the Supreme Court which declares statutes unconstitutional.

Now at the very start this plan is not aimed to attack in any way the Constitution of the United States. It does not even attack the Supreme Court; it attacks only the abuses of that court and in this manner, it silences the opposition which is spreading to destruction.

In advocating the proposed restriction, two questions arise: Is there a need for the proposed change? And shall the final power be with the judiciary or with the people? The first speaker will answer the first of these questions. The proposed restriction is necessary, and thus contending, it shall be my purpose to point out that the Supreme Court is guilty of certain abuses.

The second Affirmative will show the wide-spread discontent and any plan which removes this discontent will serve to improve the court's position, to reinstate the court in the minds of the American people.

The first abuse with which the Affirmative charges the Supreme Court is ultra-conservatism. Every judicial decision consists of two elements, a knowledge of the law applying to the case and an understanding of the facts to which this law applies. It is in this latter requirement—in a complete and sufficient understanding of facts and conditions—that the justices of the Supreme Court have been most deficient. The average age of these justices is sixty-five years. All of them have been practicing lawyers for from twenty-five to forty years prior to their appointment to the Supreme Court bench. During their lifetime the population of the nation has doubled, and our national wealth increased many fold, while the increased complexity of our business life is beyond comparison. As a result of such changes, these judges are of an earlier school of social and economic philosophy, and 19th century principles have too often been applied to 20th century problems.

The child labor case is an example of this conservatism. In 1921 Congress attempted to levy a tax on the products of child labor. The purpose of the law was to protect children working in the factories of the southern states. Its need was attested by the fact that this was the third attempt to regulate the evil, and that this law was passed by overwhelming majorities in both houses. Two similar laws were held constitutional by the Supreme Court, the one sustaining a tax to regulate the issue of state bank notes and another to prohibit the coloring of oleomargarine. Yet, the Supreme Court held the child labor law unconstitutional because taxation cannot be used for regulative purposes although, we submit, there is not a word in the Constitution which specifies the purposes for which taxes shall be levied.

The Adair case showed similar conservatism. Congress made it a criminal offense for an interstate carrier to discharge an employee because of union membership. The court declared this act unconstitutional because it violated the right of personal liberty in making contracts, yet, by its very decision, the court denied the workmen this personal liberty of contracting with unions. As Theodore Roosevelt once said, "There are many members of our judicial body who lag behind in its understand-

ing of the great and fundamental changes of the body politic; whose minds have never opened to new applications of old principles made necessary by new conditions."

In the second place the Affirmative charges that the justices of the Supreme Court have declared statutes unconstitutional not because they conflicted with the Constitution, but because they were contrary to some preconceived social or economic theory. Theories have been the standard, rather than the fundamntal law of the land. All of these nine men have been engaged in active political life. They have been closely associated with many of the great social developments and political movements, and, as Justice Clark of North Carolina says: "The passing from bar to bench does not destroy the judge's prejudices and predilections."

The income tax case is an excellent example. The Constitution, it will be recalled, allowed Congress to levy indirect taxes with regard to population. Income taxes had been collected as indirect taxes since the beginning of the government, and their validity several times recognized. Yet, Ladies and Gentlemen, in 1894, after a hundred years of precedent, the Supreme Court by a five to four decision declared the income tax unconstitutional. By their decision a million dollars in taxes annually was lifted from the shoulders of the rich and placed on the shoulders of the poor. The justice who rendered the majority opinion, used these words: "The present attack on capital is but the beginning; it will be but the stepping stone to other larger and more sweeping measures."

Now we do not charge, Ladies and Gentlemen, that the court has been corruptly influenced. This is only the silent, subtle influence which comes to men through years of experience with great powerful interests—an abuse for which there is no impeachment. There have been cases, however, in which the evidence indicates that the Supreme Court was corruptly influenced. This is sufficient to justify the charge of political abuse. The Dred Scott case was an unfortunate instance of this.

In 1867 the court was called upon to decide the claim of Dred Scott, a southern slave, to freedom. The claim was not only denied but the five pro-slavery judges gave opinions on five constitutional questions. John Spears of Vassar said: "On the outside the decision showed that the judges were on the southern side."

Again in 1879 the Supreme Court declared the Legal Tender

Act unconstitutional. A short time after this decision a few vacancies occurred and President Grant appointed justices who were favorable to these acts, and in less than one year the Legal Tender Act was sustained. The point in the rehearing of this case is that the reversal was made possible by the two votes of the men appointed by President Grant.

We point out that the people of the nation have a final check on the members of Congress every two years whereas the Supreme Court is beyond the reach of any practical check. Not only are these abuses in themselves sufficient cause for the change, but these abuses cause widespread dissatisfaction. Such dissatisfaction is expressed in the phrases "Judge-made law," "Supreme Court government" and the like. As Theodore Roosevelt said, Ladies and Gentlemen, "Five men in the retirement of the judicial chamber can rule the President and Congress and a hundred and ten million people."

Ladies and Gentlemen, the final issue in this debate tonight is whether we shall have a check on the judiciary, giving the balance of power to the people, the people themselves having a final check upon these men. We invite the gentlemen of the Opposition to meet us on that issue.

FIRST NEGATIVE

Howard Bennington, Western Reserve

Mr. Chairman, Ladies and Gentlemen: It struck me as rather peculiar, that the first speaker of the Affirmative should tell us that we are living today under a worn-out system under the jurisdiction of the Supreme Court—a bunch of old fogies dealing in the economic theories of the 19th century. It seems to me, Gentlemen of the Affirmative, if that really is the case, that it is surprising that the American people should have supported or even have tolerated such a system as this for over a hundred years. And more than that; we go further. If the system is as obnoxious as the first speaker would have us believe, certainly the American people would not continue to support it, for undoubtedly our nation is progressive.

This particular restriction of power is demanded by the Affirmative because of certain evils of the Supreme Court which they allege exist. We do not think such restriction is necessary. I do not believe these evils are really as great as

they attempt to make them. Perhaps that is the reason why their plan does not have the active support of many people, as the first speaker has admitted. Or maybe there is a means already at hand to correct these evils, providing they do exist. Or, again, perhaps if we were to change the present system, new and greater evils would arise that would upset the very foundations of our government.

We of the Negative intend to show you it is a little bit of all three. The particular power or right to declare statutes unconstitutional is the greatest power that the Supreme Court holds today. What the members of the Affirmative are demanding is that Congress should have the power to nullify the Supreme Court's decision in every instance where that body declares a statute unconstitutional. That being the case, it means that final review is taken from the judicial branch of our government and given to Congress. More than that, this power that is taken from the court and given to the legislative branch is power of a purely judicial nature which the members of Congress are not as competent to exercise as are the members of the Supreme Court.

You of the Affirmative say that the members of the Supreme Court have abused their power; they have decided cases according to 19th century theories. You tell us their judgments are influenced by their connection with political life and by their political affiliations, but Viscount Bryce tells us that these judges are as free from political bias as it is possible to be. However, even if there is such an evil as that complained of, how much greater will that evil be if that power is taken over by the legislature or by Congress, whose members are elected and subject to every form of political influence!

Now we, the members of the Negative, believe that restriction of the power of the Supreme Court should not go into effect because it is entirely unnecessary. We stand by the Supreme Court today. We uphold it. We uphold the present system for we know the Supreme Court is made up of the most competent men in our country and when five of that body tell us that any law is contrary to those constitutional rights which are necessary to preserve our government, then we believe that law should be declared unconstitutional, for it is the preservation of these fundamental rights which makes our country what it is today.

The members of the Affirmative are only too ready to have you believe that the Supreme Court functions free from the control of Congress, but such is not the case. We find that there are certain checks upon the Supreme Court at the present time. First, Congress has the power to determine just how many judges shall sit upon the Supreme Court bench and by increasing or decreasing that number as they did at the time of the legal tender case, Congress is enabled to change the decision of the Supreme Court and subject it to their will. Again we find Congress together with the executives determining just who shall be the judges that sit upon the Supreme Court bench. So, if there are evils to be remedied, we can change the attitude of the court simply by a little more care in the selection of those who shall sit upon this bench.

Another restriction is found in Article III, section 2, of our Constitution, which reads that the Supreme Court shall have appellate jurisdiction both as to law and fact, except, and here is the point I want you to get, "with such exceptions and under such regulations as Congress shall see fit to make." That means, of course, as Gilbert Roe, one of the most prominent affirmative authorities says, "The Supreme Court cannot exercise the power it does today unless it is backed by the will and sanction of the American public."

Furthermore, we have a yet greater constitutional restriction, that is, through the constitutional amendment. The Supreme Court has told us that we can't have a child labor act as the Constitution stands at the present time. It would be violating our rights, for the Constitution as it stands at present, specifically grants the power of regulation to the states. If you really want such legislation it can be secured through a child labor amendment to the Constitution. That was what President Harding suggested recently.

Undoubtedly, the American people realize the extent of this beneficial power, and it accounts for the fact that there is no adequate public demand that the hands of the Supreme Court be tied. More than a hundred years ago the American people approved of our Constitution and they selected the Supreme Court instead of our legislature to interpret that document simply because they believed the Supreme Court was the most competent body to exercise that power. During the hundred years of the existence of this power as Viscount Bryce has said, "It has worked to the wonder and admiration of all Europe."

But let me remind you that, if the Supreme Court has made mistakes, and I presume it has, these mistakes are not the big points tonight. The real issue is: Who is more likely to make mistakes—the Supreme Court or Congress, when it comes to the interpretation of statutes in the light of the fundamental law as expressed in our Constitution?

Therefore, the members of the Affirmative must realize this: What they want is, that Congress shall be made the judge of its own acts; that the legislative and judicial functions of our government be centered in one elective body, one political group. In view of the fact that you propose such a radical change, your burden of proof is doubly heavy. We of the Negative believe that any restriction of the Supreme Court's power is entirely unnecessary, first, because there is an utter lack of any agitation on the part of the American public for such a change; second, because there are at hand under the present system enough restrictions so that at all times the Supreme Court is dependent for its authority upon the confidence and support of the American public.

SECOND AFFIRMATIVE

Charles E. Bodurtha, Ohio Wesleyan

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: You will remember that the first speaker cited several Supreme Court decisions as examples of ultra-conservatism, political influence and decisions based on economic and social philosophy. The narrow interpretation given the child labor and employer's liability acts, southern prejudice of the judges in the Dred Scott case, manipulation of judges in the legal tender controversy and finally the employment of social and economic reasoning in the Lochner and income tax decisions were all considered. Moreover he suggested that the effect of these tendencies upon the people as a whole and upon individual American leaders was to cause growing dissatisfaction and discontent.

It will be my purpose as the second speaker to show that this dissatisfaction forms the nucleus for a demand for restriction. Just as in the days of Wendell Phillips there was no widespread demand for the abolition of slavery yet dissatisfaction with its abuses was gradually growing into a demand for a change. We contend then that ultimately there must be some

change to meet present dissatisfaction which is fast ripening into demand.

We shall not take up in detail the criticism because no one can deny its presence. Professor Haines of the Department of Political Science at Whitman College in his unprejudiced book "The American Doctrine of Judicial Supremacy" devotes forty pages to a chapter entitled "Recent Criticism." When the justices of the court itself severely criticize the very tendencies to which we are objecting, it is not surprising that there should be popular dissatisfaction. Usually criticism of a governmental branch is of little importance, but the court's independence and lack of responsibility to the people makes criticism of it dangerous and vital.

We have abundant evidence to prove that this criticism is fast ripening into demand for restriction. The Boston Post remarks that "since the days of Roosevelt there has been considerable demand to limit the power of our courts to override legislation." According to the Nation, "Our highest bench itself, by a series of backward decisions, is daily augmenting the demand for a restriction of its powers." Such men as Senator Johnson, Chief Justice Clarke of North Carolina and Judge Wannamaker of our own state are advocating restriction of the court's power.

The growing demand is evidenced in action as well as expressions from the press and prominent men. Coming as the culmination of a century's criticism from the presidents we find Roosevelt demanding restriction in 1912. In proposing that state courts be subject to recall of decisions, he would have limited the Federal Supreme Court even more than we propose to do as far as state statutes are concerned. Under the present system a state statute is not carried to the Federal Supreme Court if declared constitutional by the state supreme court. Under Roosevelt's plan the people merely had to declare a state statute constitutional and it would never have been carried to the Federal Supreme Court since the people were the court of last appeal. The very state statutes which he would make constitutional and hence not subject to review by the Supreme Court were the ones concerned in the Lochner and income tax cases. These were carried to the Federal Supreme Court and held unconstitutional.

There has been still other action. By this time seven states

have adopted recall of judges and the Colorado state constitution provides for recall of decisions. The American Federation of Labor with four million actual members and an invisible membership several times that went on record at the last convention as favoring the very plan which we are proposing this evening.

But we must not suppose that all the proposed changes are as conservative as ours. In some cases they amount to a demand for destruction rather than a demand for restriction. Senator Owen introduced a bill by which Federal judges were forbidden to declare any act of Congress unconstitutional. Bryan asks, "If the judiciary is to become a legislative body, why not make it elective also?" The Socialist party is today advocating complete abolition of the Supreme Court.

When we look at such suggested changes as these, which strike at the very heart of the court, we realize the need for some conservative change. As Roosevelt says, "The safe way to prevent popular discontent from becoming acute and chronic is to provide the people with the power to secure interpretation of their Constitution in accordance with their own deliberate judgment."

"There is danger," says Judge Thomson of Missouri, "that the people will see at one sweeping glance that all the powers of their government lie at the feet of the judiciary; when they will burst into sudden fury and redress their grievances by violent and extreme measures."

Yet our effort to prevent this very thing is called a radical measure by the Negative. The Negative's contention that all demand comes from the radical elements of the country was correct in a way little dreamed of by them. It comes from a desire to prevent the further growth of revolutionary plans for a change. It is true that we cannot consider every possible demand for a change in this country but when that change is in direct accord with the spirit of the government it seems reasonable and far from revolutionary.

We contend in the second place that our plan is in strict accord with the spirit of our government because it actually establishes the system of checks and balances and maintains inviolate the independence and integrity of the court.

We advocate this change not because the Congress should have this power or because the Supreme Court should not have

this power but because Congress is more directly responsive to the people who after all are the source of all government and the highest authority in the land. Napoleon once said, "We have not yet clearly defined what we mean by legislative, executive and judicial—the one thing we have clearly defined is the sovereignty of the people."

Under the present system the authority of the judges is to have no more authority over Congress than Congress is to have over the judges, according to Henry W. Taft, a conservative brother of the present Chief Justice. Similarly the president's authority is limited.

Now the checks on the legislature are numerous. Direct responsibility to the people, division of members into two houses so that bills often pass only one house, and veto power by the president—all these have acted as effective checks. Moreover no less than forty Federal statutes have been declared unconstitutional by the Supreme Court.

The president is also responsive to the people, many of his measures are subject to the approval of the two houses and he loses the effectiveness of his veto power if a bill is repassed by a two-thirds vote of both houses. In fact he has found his position the weakest of the three.

The Supreme Court is not directly responsible to the people [illegible] corresponding veto power in another branch of government. The only way in which an adverse decision on constitutionality can be changed is by a constitutional amendment which has to pass a two-thirds vote in Congress and then be ratified by three-fourths of the states. Since 1865 there have been but eight constitutional amendments and of these but one—the sixteenth, which declared the income tax legal—directly changed a ruling of the court. We would expect to find the Supreme Court the most powerful body in the land and that is exactly what we do find. Far from being the weakest of the three, Chief Justice Clarke says that it holds the supreme power. Yet Taft himself admits that the judiciary is not representative of a popular majority of the people.

When our judiciary has no effective check—when its power has grown to be actually supreme in a professed democracy, how do the gentlemen of the Opposition justify the present position of the court?

Since it has become precedent for the Supreme Court to

decide on constitutionality, our plan would call for an additional constitutional amendment—an amendment which would actually place some check on the court—a check intended by the forefathers but which has not worked out in actual practice.

Moreover our plan is strictly in accord with the spirit of our government because it maintains inviolate the independence and integrity of the court and actually reestablishes it in the eyes of the American people.

When our judiciary was first founded, life tenure, security of compensation and freedom from political affiliations were guaranties of independence. These are still retained. Moreover the court is still a court of last appeal in interpreting all Federal and state statutes. The only change lies in this—after the court has declared a statute unconstitutional Congress still possesses the right, by a two-thirds vote, to reverse the decision of the court. The infrequency with which Congress passes measures over the president's veto and the high esteem in which the court is held lead us to believe that Congress would only exercise this power in such emergency cases as the first speaker has pointed out.

Moreover our plan reestablishes the court in the eyes of the people. Personally, do you respect the court as much when it is able to declare unconstitutional the Child Labor Act, called "legislation designed to promote the highest general welfare" by the chief justice himself?

In closing we would quote from Theodore Roosevelt who, in advocating restriction far greater than ours said, "What I [illegible] ocated is not revolution. It is not wild radicalism. [illegible] highest and wisest kind of conservatism."

SECOND NEGATIVE

Ralph Johnson, Western Reserve

[illegible] Chairman, Ladies and Gentlemen: We have seen from [illegible] preceding arguments that there is no great public demand for the change which the Affirmative wishes to force upon us. This you have heard both Affirmative speakers expressly admit. The Negative, however, has already shown that there is no reason why there should be such a public demand. This my collegue did when he discussed the four distinct checks upon the Supreme Court that now exist: first, in the control of the

number of the judgeships; second, in the method of appointment by the president subject to the approval of Congress; third, in the power of removal of appellate jurisdiction; and fourth, in the processes of amendment.

I shall go further and show that the change proposed would be dangerous, even fatal to the constitutional guarantees of liberty and freedom for which our country stands. Further, that this change would have a fatal effect upon the balance of power between the state and the nation.

I need only cite a few well known cases to prove my first contention, for example, the celebrated case of Bailey versus Alabama. The state of Alabama was guilty of the passage of a law by which a party might be punished criminally for violation of a contract where that violation was fraudulent. There was also a rule of evidence in that state which refused admission of testimony regarding a person's uncommunicated motives. Bailey, a negro, was thrown into prison because he violated a labor contract. He was told by the courts of Alabama that he should work for a master whom he disliked or go to jail. All this despite the fact that the Constitution of the United States says that no person shall be forced into involuntary servitude. And it was only through the use by the Supreme Court of that power which our Opponents so unfairly criticize that this vital constitutional protection was saved. Which, Ladies and Gentlemen, do you prefer, the Constitution or subjection to such autocratic laws?

Again, we have the case of Boyd versus the United States. The Congress of the United States in one of its frequent lapses to unconsciousness passed a law requiring parties charged with a violation of customs laws to produce their own documents to prove their guilt. This, despite the fact that the Constitution of the United States holds that no person shall be forced to testify against himself in a criminal action, and despite the fact that that famous document expressly protects us from unreasonable search and seizure. It remained for the Supreme Court, acting by virtue of that power, which our Opponents would restrict, to declare this act null and void. Which, Ladies and Gentlemen, do you prefer to uphold, the Constitution of the United States or a law which so flagrantly violates the liberties and rights guaranteed to us in that great document?

Nor are these two examples all which might be cited to show the way in which the Supreme Court has acted to protect the

principles for which our nation stands. We might mention the case of Yick Wo versus Hopkins. This arose as the result of an ordinance passed by the council of the city of San Francisco. This ordinance provided that all laundries conducted in that city must be conducted in buildings of brick or stone. If the building is not so constructed the proprietor must secure a permit to operate from the board of commissioners. On the face of it an inoffensive measure! But what were its results? There were about two hundred Chinese laundries conducted in buildings subject to permit. All these Chinamen were refused permits to operate but there was only one single exception of a party of another race being refused such a permit. A clear case of race discrimination violating all principles of equality for which our nation stands. It remained for the Supreme Court to declare this ordinance null and void and save us from a clear case of unfair racial discrimination.

In case of ex-parte Garland the question arose as to the constitutionality of an act requiring that all attorneys wishing to practice in southern states must take oath that they had in no way aided the South in the rebellion. This, despite the fact that the "great emancipator" had pardoned all offences against the union during the rebellion. Again the Supreme Court, by declaring such an act null and void, saved the nation from a disgraceful case of sectional discrimination and prejudice.

In fact one prominent commentator has been lead to speak thus, "The court has used its powers to soften the drastic legislation excited by bitter partisan feeling, popular agitation or resentment against certain classes. In ex-parte Garland the court refused to allow Congress to impose humiliations and oppressions upon a defeated people. Likewise in Wong Wing versus the United States it refused to tolerate gross mistreatment of a disliked race."

The cases cited have not been all, they have been but typical. There have been up to 1917, the latest date to which reliable statistics are available, seventy-three cases in which the Supreme Court has found it necessary to curb action of legislative bodies where such action would have been direct violation of the liberties and rights guaranteed to you and me by the Constitution of the United States. There is only one question before you, do you desire that you retain these liberties? If you do, you must not weaken that one body which protects and maintains them for you through its power to declare acts

unconstitutional, that body which curbs the irresponsible legislative bodies.

There is another angle from which this problem can be viewed and the Negative contends that such a change as the Affirmative proposes will tend to destroy the delicate balance between the Federal and the state governments. How? you may ask. This can best be shown by recourse to cases. Our Constitution gives the Federal government the control of interstate and foreign commerce. In spite of this provision the state legislature of Pennsylvania passed a law which held all freight, regardless of its origin, to be subject to tax when unloaded in Pennsylvania. It was the Supreme Court, acting by the power which our Opponents seek to abolish, that saved the people of the nation from so flagrant a violation of their Constitution. This is what is known as the case of the state freight tax.

In the case of the Galveston Railway versus Texas the Supreme Court declared unconstitutional a law placing a tax upon the railroads equal to 1 per cent of their gross receipts, regardless of where the property lay. Again the Supreme Court saved the nation from the burden of supporting the state of Texas.

In the act involved in the case of Western Union versus Kansas we have the best example of what might happen were our Opponents' plans in effect. The legislature of Kansas sought to place a tax upon all corporations doing business in the state of Kansas regardless of where their capital was invested. The Western Union had some $10,000,000 worth of property distributed throughout the nation, very little of which was in the state of Kansas. Kansas, however, sought to lay a tax upon this entire $10,000,000 in property. Imagine the result if every state were to conceive a similar plan. It remained for the Supreme Court to save interstate commerce from any such insurmountable burden.

Now apply the above case to our everyday problems. The East Ohio Gas Company owns vast property in wells in West Virginia and supplies gas to us in the city of Cleveland. Were the principle involved in that Kansas law in effect West Virginia might lay a tax upon that entire capital of the East Ohio Gas Company, and we, by paying the necessarily increased price of gas, would support the state government of West Virginia.

Had not the Supreme Court stepped in to declare such a law null and void just such a result could and probably would occur.

To sum up, then briefly, the Negative has proved the following points; that there is no great adequate public demand for any such change as the gentlemen of the Affirmative propose this evening but a mere disgruntled minority aiming arrows of hate at a great American institution, the Supreme Court. That there is no reason why any great public demand should exist, for there are four separate and distinct checks upon the judiciary which are weapons available to the people to check that body should it ever over-step its constitutional bounds. The Negative has (further) proved that (such) a change (as proposed by the Affirmative this evening) would be disastrous to the great American guarantees of liberty found in the Constitution, that it would throw open the gates to the passage of all kind of sectional, racial and ill-considered legislation from which we are now saved only by the power of our Supreme Court. Further, it would destroy the power of that instrument which holds in balance the powers of state and nation. It would permit all forms of abuse of privileges which are now so carefully safeguarded by this court. Are we then going to place in the hands of that branch of government which has been guilty of over three hundred and fifty direct violations of our Constitution, for such is the number of laws which have been declared unconstitutional, a power to violate that instrument at will? Are we going to increase many fold the power of that branch of government which has tried seventy-three times to violate the personal rights you and I cherish? Are we going to sanction increased domination by that branch which has upon one hundred and seven occasions passed acts aimed to destroy the delicate balance of power between state and nation? Or will we stand by the body which has protected these liberties and preserved this balance? I bespeak the continued support of a body so important to our personal and governmental welfare.

THIRD AFFIRMATIVE

C. X. Hutchinson, Ohio Wesleyan

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: Both of the preceding Negative speakers made much of the fact that we intend to make Congress the arbiter of their own

acts. The final judge in the United States is the people and Congress is always accountable to the people of our country. They are the final arbiters. The first speakers of the Affirmative have given specific decisions of the United States Supreme Court which indicate certain tendencies such as ultra-conservatism, political influence and a natural tendency to unwittingly favor big business. These tendencies have given rise to very definite abuses which need reform. The first Affirmative speaker has shown that these abuses have caused a widespread feeling of discontent; but more than that, the second speaker proved that discontent is fast ripening into the nucleus of an insistent demand for the restriction of the court. Some radical elements in our society, such as the socialists, have given up all hope of securing restriction, and as a result they advocate destruction. We have abuses of the court, which we would remove, and in so doing would reinstate the court in the confidence of the people, which would be a safeguard against any plea for destruction coming from radical sources.

Furthermore, the second Affirmative speaker proved that our plan is in strict harmony with the theory of our government which vests the final power in the people. In completing the case for the Affirmative we shall prove that our proposal is not only a needed reform, sound in theory, but will solve the problem when put into practice, and is the only safe solution at this time.

The present unrestricted power of the United States Supreme Court is unequalled anywhere on earth. You may travel the world around and fail to find a court anywhere which even compares with ours in regard to the unlimited power which it holds. In no nation, save the United States, is the judiciary supreme. In theory our government is the most democratic in the world but the present unrestricted power of the Federal judiciary is a monstrosity in the light of that theory. Other republics and monarchies supposed to be far behind us in the development of democracy, have felt very largely the American influence, have adopted many of our institutions of government, but have been slow in granting supreme power to the courts. In England the ultimate power rests in the House of Commons, the representative body of the people. The same is true in France, while the rule that judges shall not enter into the constitutionality of statutes has been scrupulously observed in

France since 1833. Italy and Belgium give only the legislature the power to interpret statutes in a form obligatory upon all citizens. The government of Canada is very similar to our own, but Justice Ridell of the Supreme Court of Ontario said in discussing the Canadian judiciary, "In Canada, should the court fail to apprehend the real intention of an enactment, any government which can command the support of the people can at once correct the error."

Here are five established countries, and we could add that many more, which give the people, through their legislators, the power to overrule a decision of the court. So, Gentlemen, our plan is not an untried experiment. Furthermore, we would call your attention to the fact that in these countries a majority vote of the legislature, or in most cases, a majority vote of one house of the legislature may overrule the judicial decision. Our plan requires two-thirds of both houses of Congress before the judicial decision may be disregarded. As experience has shown, this is almost an impossible requirement. But we do not have to go outside of our own governmental system to prove our plan will work. We simply propose that Congress be given the same power in regard to the judicial veto that it now holds in passing bills over the presidential veto. No one will contend that this check upon the power of the president has been anything but beneficial. There is no reason to suppose that the same satisfaction would not follow the granting to Congress of a like check on the acts of the Supreme Court. The fact that Congress has only overruled the president fifteen times since the founding of our nation, outside the term of Andrew Jackson, shows that it has used its prerogative with utmost sanity, and we can hardly believe that Congress will be less careful in overruling the greatest judicial body in the world.

But we would go farther and prove that our plan is not only analogous to other plans which are operating successfully, but would itself work in practice. We feel safe in saying that had our plan been in operation since the Civil War it would only have been used in such cases of reasonable doubt as have been outlined by the first Affirmative speakers. But the strength of this check would not be so much in the number of times used as in the potential power which it would have. If the court had the inner consciousness that it was to be responsible to the people in a real way through their legislators, it might

begin to follow the advice of John Marshall and refrain from declaring statutes unconstitutional in case of reasonable doubt. We contend that the strength of this check will be found more in its salutary influence than in its use, and it will have a tremendous influence in making the court more cautious, and in bringing it back more nearly to its true function as interpreter rather than as maker of law.

Let us take our plan and apply it to two of the cases discussed by the first Affirmative speaker. What of the income tax of 1895? Under our plan it seems certain that Congress would have overruled the decision of the court. In that case the vacillation of one judge who mysteriously changed his opinion over night would have made little difference. For twenty years the burden of taxation would not have been lifted from the shoulders of the rich and placed upon the poor and the Income Tax Amendment would have been superflous. What of the child labor decision? If the sentiments expressed by Congress after that decision mean anything, if we, the people, have any influence whatever with our representatives we do not need to tell you that this bill, which originally passed Congress almost unanimously would have been repassed over the judicial veto had our plan been in operation. In that case the president of these United States and others would not be compelled to take the stump in behalf of a child labor amendment.

Again, we say, Honorable Judges, this prerogative placed in the hands of Congress would only be used in such glaring cases as have been mentioned, but it would always stand before the judges, not as a big stick, but as a gentle reminder that they are there not as the guardians of a mere document alone, but as the servants of the American people who in the last analysis are the government.

Finally, our plan would not only work in a practical, beneficial manner, but it is a safe solution of our problem and we would even say the only safe solution. President Lincoln once said, "The people of these United States are the masters of both Congress and courts." In other words, they are the foundation upon which the court is built. It is of paramount importance to have that foundation firm. Innumerable symptoms since the Civil War indicate that the foundation is cracking in spots. Lincoln and Bryan advocated the reversal of certain decisions of the court. Others favored the recall of judges,

which has been in successful operation in Massachusetts for one hundred years. Roosevelt and the Progressive Party of 1912 advocated the recall of judicial decisions. The American Federation of Labor and Senator La Follette favor our plan. The Socialist Party and others go much farther and demand destruction. These are all evidences of a restlessness on the part of the people because of the abuses of the court. Our plan will check the abuses, and thus restore the foundation of the court, the people, to its former solidarity. For that reason our plan is not only a safe plan, but the only safe plan. If we retain the present system of blind indifference to the abuses of the court and the consequent reaction of the people, as advocated by the gentlemen of the Negative, the present breach between the court and the people will widen, restlessness will change to revolt, the foundation of the court will crumble and the Supreme Court will face that total destruction which our plan aims to avoid.

Thus, Honorable Judges, since certain abuses of the Supreme Court of the United States need reform, since our plan of reform is in strict accord with the theory of our government, since our plan will reinstate the court in the confidence of the people, since our plan will work in a practical, beneficial manner, and last, since our plan is the only safe plan, we maintain that the power of the United States Supreme Court to declare statutes unconstitutional should be restricted by giving Congress the power through a two-thirds vote to overrule the decision of the court.

THIRD NEGATIVE

Herman W. Wallace, Western Reserve

Mr. Chairman, Ladies and Gentlemen: There are just two outstanding features in the third Affirmative speaker's argument. The first one is that our Supreme Court is without comparison in any other country in the world. I will add the fact that our written Constitution is also without comparison in any other country in the world. No other court has the duty of protecting a constitution which defines the powers of various agencies of government as does ours or so specifically declares the rights and duties of citizens. No wonder our Supreme Court is without counterpart. It cannot be otherwise while we

maintain our present system of Federal government.

The second point to note in the speech just made is the assumption that the additional power which the Affirmative would give to Congress would not be used in any harmful way. But there, Gentlemen of the Affirmative, the burden of proof falls on you to show that big interests will not force Congress to use that power to their advantage. I will discuss that point later in my argument.

It seems that the case of the Negative so far sums up to just this: First, there is no adequate, American public demand for such a restriction as you advocate. Second, there are adequate means already at hand for control of the Supreme Court and remedy of any unsatisfactory conditions that may arise. Third, evils greater than any now existing would follow adoption of what you very properly call your plan. Laws of the most disastrous sort would be passed under your plan. What you actually seek is to make it essentially easier to get laws declared constitutional. The effect of your plan, then, would be detrimental to the public good.

On the one hand we have a strong Federal government. Upon our Federal Congress great restrictions and restraints are placed, restrictions which are in our written Constitution. We have also placed other restrictions upon Congress in the form of the executive veto, and judicial review, and the exercise of your vote by which you, the people, may over-rule the acts of this Federal Congress. You, the people, evidently fear their power. You have placed these restrictions and checks on them and now the Affirmative propose that you should destroy the greatest of all checks—the power of the Supreme Court to declare statutes unconstitutional.

Now then, on the other hand you have forty-eight states all representing within themselves the various sectional views. They pass laws, too, and you have placed checks on these states. You have placed checks on all these legislatures, and one of the greatest checks is your Federal Supreme Court. What has this body done? It has up to 1918 (the latest date to which reliable statistics have been completed) declared three hundred and forty-three state laws and thirty-seven Federal laws unconstitutional.

Let me take up the ultimate effect of the Affirmative plan. They are going to take from the Supreme Court the power to

declare statutes unconstitutional and give it to Congress. I would point out to you that within this Congress you have represented various sectional views from all over the United States, a great country, as you know. You know that out of these sectional views arise conflicts and from these conflicts arise such evils as log-rolling and pork-barreling. The Affirmative are now going to give to this body of politicians, to the Congress, the power to review legislation—make Congress the ultimate judge of its own acts.

Now, Gentlemen, since they are to be the judge of their own acts it is incumbent on you of the Affirmative, to prove that they will use this power wisely. Take the thirty-seven Federal statutes that were nullified up to 1918. You certainly cannot say all the thirty-seven were worth while, nor can you say that Congress would not have repassed them over the ruling of the court.

But, I will go further. You know Congress is especially susceptible to outside influence. Take the Adamson bill in 1916. The law was not the brain child of any congressman. It came into being at the hands of the railway brotherhoods and was forced through Congress by one of the greatest lobbies that has ever cajoled or browbeaten a legislative body. We do not now quarrel with the law; the point is that one class was able to make Congress bow to its will.

Let us suppose, in the event your plan should go into effect, that a law deeply involving the welfare of the railway brotherhoods should come back from the Supreme Court to Congress for repassage. That Congress would be just as susceptible to the same lobby influence and to political dickering, and be that law good or bad, you cannot guarantee that the same thing would not happen as occurred in the case of the Adamson Bill.

What the Affirmative are trying to do is to make a court of the legislative body. This is absurd in the extreme. Every legislative body knows that it is entirely impossible for it to act as a judicial body in any capacity. You know that every case brought up to the Supreme Court on a question of constitutionality may involve the possibility of some man's going to jail or having his life taken; and upon the decision of Congress the Affirmative would rest his fate. That evil alone is enough to condemn the idea, but add to this the fact that man is going to exert every influence in his power to guide the

decision of Congress, and what will be the result? Who would be so bold as to have no fear? But with this judicial power in the hands of the Supreme Court, as it now is, who ever heard of anyone ever changing or influencing a decision of this court by means of a lobby? Not one of you!

But, under the plan the Affirmative urge, what is to become of our Supreme Court? Gentlemen, your plan takes away its essential duty. Shorn of its most precious power it would slowly degenerate into a debating society. Of course, all the great men, the greatest legal minds of the country, would use every influence in the world to get into a debating society! Surely men with every prospect of some day becoming president, or even a great senator, are going to give up all these ambitions to accept a position in a body which no longer has final jurisdiction in its own field! And yet, this is what the Affirmative contention amounts to.

No, their plan is to destroy the Supreme Court and give its power to a so-called representative body. Why? Because the court, they say, has erred. As an example they cite the child labor case. But what did the court find in that case? It found that Congress was seeking to use its taxing power to kill certain industries. If it can do that then it can tax any industry, any manufacturing plant, out of existence.

Clearly, if you allow Congress to do this there is no restraint upon its power. It may step in at any time and use this power to make this a centralized government. In the face of all this, the Affirmative say their plan is not radical!

It seems to me that what they are trying to do in the first place is to make it easier to declare statutes constitutional. They say we must do this because the socialists are in favor of it! The American Federation of Labor, the Socialists, and the Bolshevists are in favor of their plan! That is like the story of the camel. You let him get his nose in the tent and the first thing you know we Americans will be outside the tent and the camel in.

Before we could ever think of accepting their plan, the members of the Affirmative must prove certain things. They must prove that Congress is better fitted to exercise judicial power than the Supreme Court. They must also prove that a centralized government is better than the one we have at the present time. Again they must prove that the personal liberties

guaranteed by the Constitution will not be violated by their plan. Further than this, they must prove that there is a real, red-blooded, American demand for their specific plan and not a general discontent. Unless they can do this, we maintain that the system which has been the wonder and admiration of all Europe should remain intact. In the first place, there is no necessity for a change; and in the second place, it would be extremely dangerous to place in the hands of Congress the power over legislation now held by the Supreme Court.

FIRST NEGATIVE REBUTTAL

Howard Bennington, Western Reserve

Mr. Chairman, Ladies and Gentlemen: The members of the Affirmative attempt to minimize the effects of the proposed change. They say they propose simply to give to Congress the veto power over the Supreme Court, just as the president can veto what Congress enacts. As a matter of fact, the executive veto is only one of many powers the chief executive has, while the final power to declare statutes unconstitutional is the greatest power the Supreme Court has.

It is the one power the court needs in order to keep a balance between the legislative and executive branches. Destroying this power of the Supreme Court does not merely give Congress a modest judicial veto; rather, it gives Congress the entire judicial power, for you are going to destroy the final judicial review and make Congress the judge of its own acts.

And so, this question narrows down to this: Who is the most competent to interpret our fundamental rights as expressed in our Constitution? The American public has for the past century considered the Supreme Court the most competent, and during that time we have never had log-rolling or pork-barreling in the Supreme Court. In direct contradiction of what our Opponents have said, Viscount Bryce tells us that this body has maintained the greatest freedom from political influence that it is possible to have.

Our Opponents say, "We simply want to restore the system of checks and balances." But is that the case? Are they not going to destroy the system of checks and balances by a centralized government? Heretofore the judicial power has been in the hands of our Supreme Court, the executive power in the

hands of our president, and the legislative power in the hands of our Congress. Tonight the Affirmative are proposing to concentrate judicial and legislative power in the hands of a single body, Congress. And yet, they expect us to believe that this will restore the system of checks and balances and more equally distribute authority among the three branches of government! Obviously absurd!

Surely you all know that to place the serious limitation on the Supreme Court's power, which the Affirmative propose, would be our undoing as a nation; for, in the words of Professor Goodnow, "The court has probably done more than any other body to bring about such a degree of national unity as we now enjoy."

As first speaker of the Negative I showed that there is no adequate demand for the proposed plan. The only people who seem to want this plan belong by the very admission of the Affirmative themselves, to elements we do not seek to encourage. The Affirmative tell us there is dissatisfaction that is ripening into demand as evidenced by the stand taken on the subject by Theodore Roosevelt in 1912. With the Affirmative we would accord all honor to Roosevelt as one of the greatest of Americans, but did he want *their* plan? His attack was aimed against the state courts, and "Teddy" would turn over in his grave, Gentlemen, if he thought you quoted him as saying that he favored taking this power from the Supreme Court and giving it to our national Congress. Even his plan of 1912 he dropped, you will recall. Perhaps the Affirmative will tell us why he dropped it.

The Affirmative go on to tell you that the American Federation of Labor are urging this specific plan. That being the case, we know this group is working for class interests as they are in their fight for the closed shop. The Affirmative further says that the Socialist Party is dissatisfied. Undoubtedly when Eugene V. Debs comes here to talk at the City Club he will, if you request it, cast his vote in favor of your plan. Radical Socialists and Communists—they are the class which favor it. Are we, then, supposed to grant a restriction of the Supreme Court's power simply because that class tells us it should be restricted?

Now I have told you that sufficient constitutional restrictions already exist, and the Affirmative speaker who followed

me said that the power of the Supreme Court lies in the power of the people. That being the case, we believe that it should continue so. They tell us our government is unique. We grant it. We stand by the Supreme Court. After Viscount Bryce reviewed the decisions of courts of other countries and systems in other governments, he told us that the system we are using today was the wonder and admiration of all Europe. It has also been said by no less a person than the greatest of students of constitutional law, Mr. Dacey, that the Supreme Court provides the only adequate safeguard against unconstitutional legislation. That is what we want, for our individual liberties, our constitutional rights, must be guaranteed above all else.

FIRST AFFIRMATIVE REBUTTAL

Robert F. Maskey, Ohio Wesleyan

MR. CHAIRMAN, HONORABLE JUDGES, LADIES AND GENTLEMEN: Before opening the rebuttal proper, I would call your attention to what the preceding speaker has said, namely that the issue is, "Shall the final power be with the judiciary or with Congress?" In our first and second speeches we laid down the issue. We, the Affirmative, have the right to declare the issue, and that issue is, "Shall we restore our system of checks and balances?" And we invite you to meet us on that issue.

This is the second mistake: They say this system, our plan, will destroy our system of checks and balances. But what check do we have on the Supreme Court? They say we can use constitutional amendments. There has been only one constitutional amendment reversing a decision of the Supreme Court since 1804, yet they say the system of checks and balances is working! How is it working?

We have said that Roosevelt demanded a change. We have not attempted to show that there now is a wide-spread demand, but we have showed that masses of a social body are discontented, and that this discontent will rapidly ripen into demand, unless some method of satisfying it is provided, and our plan provides that.

We shall take up the three charges of the Negative, one by one. They say there is no necessity for the proposed change, and then they cite certain cases. One of them was Boyd versus the United States, a law which was passed soon after the

Civil War. They showed there was no doubt, in cases they mentioned, about the constitutionality, and they admitted that there was a correct interpretation of the Constitution. Therefore, it was the duty of the Supreme Court to declare that constitutional. The same is true of the other cases which they mentioned. But what of the child labor case, and the Adair case, in which the right of the workman to bargain was taken away? Let us take the child labor case, which they analyzed. Why was the case declared unconstitutional when the court had already passed on two cases and established two precedents? We would ask the gentlemen in all fairness to read President Taft's majority decision. The closing paragraph analyzes the logic in trying to show how this case is different. These precedents we have read. Have they read them?

The second charge was that it would not protect state rights. That is all right, but the gentlemen of the Negative forget that state rights is a rapidly declining question. That was the state just after the Civil War, but now there are men in Congress who are representatives of the people. Each one protects his own state.

The gentlemen say further that this plan would destroy the court's usefulness. They forget the influence that the court would have over Congress in the case of an attempt to repass an act over the court's veto. It is difficult enough to repass an act over the president's veto. A decision of the Supreme Court on a technical question of violation of the Constitution would clearly determine the fate of most bills on an attempted repassage. Only those which are not clearly unconstitutional and which are gravely needed, such as the child labor law, would have any chance to be passed in the face of an adverse opinion of the court. It is this sort of legislation which should be saved. For this purpose we urge the restriction of the court's power.

SECOND NEGATIVE REBUTTAL

Ralph Johnson, Western Reserve

Mr. Chairman, Ladies and Gentlemen: The gentlemen of the Affirmative have loudly proclaimed the fact that there exists no demand for the change which they advocate, but that which they seek is to appease the appetite for change upon the part

of a disgruntled minority consisting of the American Federation of Labor, the Socialist Party and Mr. La Follette: To these I suppose we may add the Bolsheviks, the Syndicalists, Emma Goldman, Bergman, and other authorities too numerous to mention. What the Affirmative proposes, is a compromise with the radical! All of this reminds us of the old story of the camel and the tent. Once the camel got his nose inside the tent, it was not long before the owner was in the cold outside. Once the radical finds a place beneath the canopy of American liberty, it will not be long before the real American will be on the outside. The best way to end a movement is never to begin, and the best way to preserve the Supreme Court is never to begin to yield to radical demands for destruction of its power. This, I believe, answers our Opponents' argument regarding the so-called demand.

Our Opponents have sought to place before you a picture of the Supreme Court tainted by politics and fraud. Let me place before you a picture of a legislative body in action some years ago. It was in the closing moments of the session in the Kansas legislature. Considerable legislation was still to be passed. The chairman mounted the rostrum and called for the reading of measures in this form: "One for the money, two for the show, three to get ready, and four to go." And ten members rose to their feet and read ten different bills, and no one present, perhaps not even the readers, knew what it was all about. Ten measures were passed at once and the legislature adjourned. Can you imagine your personal liberties guaranteed to you in such a body? No wonder the Supreme Court has found it necessary to declare over three hundred and fifty acts unconstitutional. Our Opponents say the Supreme Court is ultra-conservative and perniciously active. If it is quantity we want, then let us give free reign to our law making bodies. If we want quality, we dare not emasculate the Supreme Court, which has always been peculiarly free of influences that corrupt or cause to vacillate. Which do you prefer as the guardian of our constitutional guarantees of liberty when you consider the records, full of cases such as we have cited, Honorable Judges?

Again, we must ask the gentlemen of the Affirmative to explain, if they can, how they are going to prevent the repassage of such laws as were involved in the case of Bailey

versus Alabama, in Boyd versus United States, in Wong Wing versus United States or any one of those seventy-three laws which the Supreme Court found were direct violations of the constiutional guarantees of liberty. The legislative branch passed them once and yet our Opponents, after finding out how bad they really were, would meekly hand them back to the legislative branch for repassage with no check upon the result. Thus, they would make Congress the judge of the constitutionality of its own acts. Our Opponents might do well, also, to cite us a single instance in which any other legislative body is judge of the constitutionality of its own acts. Answer these things, Gentlemen of the Affirmative, if you can, and we may have some basis upon which to consider your proposition.

To sum up our Opponents' argument, then. They have admitted that there is no public demand for their plan. In other words, nobody but the gentlemen of the Affirmative (and the radicals,—whom they say they fear) want it. They have told you of certain pernicious influences upon the Supreme Court, but we have shown that these influences are but as shadows compared to the way in which business is transacted in the legislative branch with its lobby and its pork-barrel. But more important than these, the gentlemen have failed to show just how they are going to prevent repassage of the admittedly bad acts which legislatures have passed. Notice, Ladies and Gentlemen, out of three hundred and fifty cases which the Supreme Court has declared unconstitutional, the gentlemen have seen fit to criticize a bare half dozen. For the sake the these few, granted our Opponents were right, and we cannot be sure they are, they would give back to the Federal Congress three hundred and forty other admittedly bad acts for repassage.

Honorable Judges, there is one sure way of preserving the Constitution and the liberty and institutions existing under it, and that is by keeping with power unimpaired, the one body which has preserved the Constitution for us.

SECOND AFFIRMATIVE REBUTTAL

Charles E. Bodurtha, Ohio Wesleyan

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: Just one or two minor points before proceeding with the second

Affirmative rebuttal. The gentlemen of the Negative have quoted a decision from the Kansas state court. We are debating the Federal Supreme Court this evening and the Kansas court is irrelevant to the question.

We believe that some few millions of members of the American Federation of Labor would object to being classed with Emma Goldman, Isadora Duncan and the Socialist Party. You will remember that we did not cite the Socialist Party as favoring our plan but rather as favoring a *radical* plan which made some *conservative* change necessary.

The Negative asks us if we have ever heard of any court which was a judge of its own power. We regret to say that we have. In 1803, the Supreme Court, acting as a constitutional judge of its own powers, decided that *it* should be the body to declare a statute unconstitutional. Certainly no more fundamental example of a court which judged its own power could be found than this.

You remember that we quoted Roosevelt in our constructive speech as favoring restriction of the court. The Negative asks "Why did he drop it?" It is the usual custom for presidential candidates to present to the people the principles for which they stand. Roosevelt advocated restriction of the judiciary in 1912. Soon after that he devoted all his time to pleas for preparedness as you will remember. It is true that he did not advocate direct restriction of the Federal Supreme Court but the child labor law had not yet been held unconstitutional. They have not met us in the real issue of the debate which is, "Is the present position of the court justified? Does it have an effective check?" Have they shown that the judiciary was intended in the first place to be the strongest branch of government? Have they shown that the court does not hold the supreme power? Until they consider this we cannot go into detail in a comparison of the relative ability of the two bodies.

The Negative contended that there are four checks on the Supreme Court. Let us consider these four.

First, Congress can determine the number of judges. Which seems the better plan—the check used as a last resort in the legal tender case or the check which we propose? Do you, Honorable Judges, approve of this check which the Negative is sponsoring whereby Congress may increase or decrease the number of judges at every displeasing decision? If used often enough we might expect a court of fifty justices rather than

nine. Second, Congress approves the president's choice. The Negative neglected to mention that the justices are appointed for life so that some now serving on the bench were approved by a Congress which convened back in the eighties. This approval is usually a mere formality and it ceases to be a check of any sort once the man is in office. Third, certain cases are not considered by the court. We believe that the long list of varied cases presented this evening is ample evidence that our court has enough jurisdiction to deserve some check.

Fourth, the power of constitutional amendment was cited as a check. We would remind you again that since 1800 there have been but eight amendments and of these but one—the 16th, which declared the income tax constitutional—directly changed a ruling of the court. We must not think that there has not been a demand for amendments, for in fifteen years four hundred and thirty-five were proposed.

We have taken up in detail all four of the checks and find that not one of them is effective.

The issue presented by the Negative was, "Which is the more liable to make mistakes?" We would merely ask the gentlemen of the Negative this question—of all the cases which they have presented this evening is there a single one which could have been re-passed by a two-thirds vote in Congress if it had not been for the general welfare of the country?

In closing let us consider for a moment the authority in favor of restriction. At first the Negative contended that there was no demand for restriction but when we presented such names as Theodore Roosevelt, Judge Thomson of Missouri, Senator Johnson, Judge Wannamaker of Ohio, and James Bradley Thayer, the foremost law authority ever turned out at Harvard, they changed their tactics.

The objection was then raised that some of the authorities did not favor our specific plan. Since the question is stated "Resolved: That the power of the Supreme Court to declare statutes unconstitutional *be restricted*," we believe that our authority is quite relative to the question. True we have advocated a specific plan but the very presence of any demand augurs well for the adoption of our plan.

We repeat the quotation from Roosevelt which shows the essential saneness of this demand "What I have advocated is not revolution. It is not wild radicalism. It is the highest and wisest kind of conservatism."

THIRD NEGATIVE REBUTTAL

Herman W. Wallace, Western Reserve

Mr. Chairman, Ladies and Gentlemen: There are some pertinent questions which we of the Negative have asked the Affirmative. In all fairness they should have answered them before the last speech of the Negative. Convincing answers, if they have them, should have been a good attack on our case, which supports the present system. We had a right to expect answers to our few important questions. Though it is too late for us to dispose of their replies, possibly the last speaker will vouchsafe them to us, if they have any.

A bit of the evidence of my Opponent who has just left the floor is most significant. He says, and correctly, that only one amendment to the constitution since 1800 has reversed a decision of the Supreme Court. I call your attention, Ladies and Gentlemen, to that evidence as splendid support for the position of the Negative. If the Supreme Court had been so wanton in its disregard of logic and of public necessity as the Affirmative say, I maintain that the country would have voiced their disagreement in amendments more than once in a hundred and twenty-three years. The argument of the gentlemen in this case is a veritable boomerang that knocks down his own case.

Another fundamental point in the argument tonight: would Congress repass laws in the face of the adverse opinion of the court? The Affirmative says, "Yes. They would repass good laws but not bad ones!" How do they prove it? By assumption! The burden of proof is on the Affirmative. Let them show why we should believe this. Why would they repass only the Affirmative's pet child labor law and not repass such vicious legislation as that in the case of Boyd versus the United States, and others we have cited?

Now, Gentlemen, as members of the Affirmative, I call on you to state what advantage there is in taking the final power from the Supreme Court and giving that power to Congress. You are going to give to Congress in certain cases, the power to review the Supreme Court's decisions. In other words, you take away the natural duty of the Supreme Court and give that duty to the legislative branch. Now suppose a law, no matter how worthy, should be passed by a republican state legislature. If there is a democratic majority in Congress, you

can imagine what will happen to your law. No matter how necessary the law may be, the results will be the same. The party will hold to its prejudice in all its magnificence.

If the Supreme Court lost its final power, it would result in Congress being made the judge of its own acts. The Boyd case and the case of Wong Wing versus the United States involved statutes passed by the national legislature. If your plan had been in effect, those statutes would have come back to Congress for review. Is it logical to suppose Congress would have reviewed those cases in the right way? Congress passed those laws once. I ask you, Gentlemen, to prove that those laws would not have been repassed.

In all fairness the gentlemen of the Affirmative should have answered our questions earlier in the argument. We shall now have no chance to discuss the answers if the last speaker should finally undertake to meet the issues. Nevertheless, I would again ask the gentlemen of the Affirmative these questions: Is Congress better fitted to exercise judicial authority than the Supreme Court? Is a centralized government better than the one we have? Will Congress, if made judge of its own acts, cease to violate constitutional individual liberties as they have in the past? Why should we adopt a plan which no one really wants? According to what you have said, hardly any one seems to want it.

There have been two hundred and seventy-nine acts declared unconstitutional. Out of that number only sixteen decisions were made by a five to four vote and out of the sixteen only five have been objected to by our Opponents this evening. They criticize the decision of the court in five cases, of all the hundreds that have been before it. Their opinion that the court was wrong in five cases is the ground on which their charge rests. For such weak reasons they would abandon our historic and tested system of checks and balances, setting up in its stead a chimerical theory of checks and balances of their own.

The least criticized branch of our Federal government, they propose to shear of its one great power, allowing this branch to sink into insignificance and decay. As for ourselves, we protest against the violation of our constitutional guarantees, against the subordination of the Constitution itself when the whim of a political body like Congress so wills.

We have produced evidence to the effect that there is no need of adopting the Affirmative plan and that no one wants it. We have shown they are attempting to make it essentially easier for Congress to pass laws and keep them constitutional. Finally I hope we have shown that the result of their plan would be detrimental. We submit that the evidence and the reasoning conclusively prove that the power of the Supreme Court to declare statutes unconstitutional should not be restricted, that the system under which we have become the greatest country in the world, a judicial system which is the admiration of all Europe, should remain intact.

THIRD AFFIRMATIVE REBUTTAL

C. X. Hutchinson, Ohio Wesleyan

Mr. Chairman, Honorable Judges, Ladies and Gentlemen: The last speaker of the Negative in rebuttal again called our attention to some of the statutes they had mentioned, that the court overruled and called unconstitutional. Before his argument has any bearing on the question he must show that Congress could have gotten two-thirds of its members to vote favorably on these same laws, and declare them constitutional. The Negative have cited three decisions; we have cited seven decisions, not as decisions alone, but as examples, showing certain inherent abuses of the court. The Opposition has displayed a blind indifference to those abuses.

Furthermore, we have had the issue a little befogged tonight. They have tried to draw a contrast between Congress and the court, and that is not the point, Ladies and Gentlemen. The point is simply that we have a check on the acts of Congress every two and six years. We have a final check on Congress, but with the Supreme Court there is no popular check on its power. Our plan completes our check and balance system of government by giving Congress a practical check upon the acts of the Supreme Court.

We would almost believe that Congress is the corrupt body which needs restriction from what our Opponents have said. The bold assertions about pork-barreling and lobbying and log-rolling were things heard from the lips of professional chautauqua orators during the World War, but carry no weight in a debate. The point again is not whether Congress is better

fitted to exercise judicial power than the Supreme Court. We, the people, have a check on the acts of Congress and we propose to put final power in the hands of those directly responsible to us.

Another statement made by the last Negative speaker in trying to break down our analysis was that no other supreme court has the responsibility of protecting a constitution written in broad terms. We would call your attention to the fact that plenty of other supreme courts in the world have the power of constitutional interpretation, but in no nation is the court given final, virtually autocratic power.

It was also said that the Socialist Party, Industrial Workers of the World, the syndicalists demand a change in government. Our plan is aimed to avoid any demand for destruction of the court coming from those elements. Our plan is not a compromise. It is in strict accord with the whole theory of our American government. The first speaker of the Negative pointed out that our plan was dangerous for a number of reasons, leaving this pork-barreling Congress unleashed and unchecked. That is not the case. The only difference in our plan is that we add a check upon the acts of the Supreme Court, at the same time retaining all of our present checks on the other branches of government. Congress would be given a practical check on the Supreme Court which does not exist at the present time.

In the second place the people would have no guarantee against an unjust Congress. Now, if ever such an exigency does arise, the people themselves will be responsible for electing the body and will thus be partners in crime. In effect, we are simply adding another protection to the Constitution, giving Congress a part in the protection, and we believe Congress will protect rather than pervert.

Since we have answered the arguments of the Negative, let us take up again the constructive cases. We have proved the blind indifference of the Negative to the abuses of the court. They haven't denied these abuses, but by their silence have admitted them. Still they offer no remedy for present abuses and those which will arise in the future. We have shown our plan will remedy those abuses, will work in a practical, beneficial manner, and is the most sane plan to put into operation at the present time.

Let me recapitulate the case of the Affirmative. Our plan will do away with the abuses of the court which need reform; it is in strict accord with the theory of our government; it will work in a practical, beneficial manner; it will reinstate the court in the confidence of the people; and it is a safe solution of the problem.

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